



INTERIM RECORD

A SUMMARY OF INTERIM ACTIVITIES

2020

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Many ways to stay connected with General Assembly action

by Rob Weber

FRANKFORT -- No matter what part of Kentucky you're in, you can stay closely connected to the General Assembly's 2021 session, which starts at the State Capitol on Jan. 5.

Kentuckians can use online resources to:

- See the General Assembly's daily schedule.
- Tune in to live video coverage of legislative meetings.
- Find out who represents you.
- Contact lawmakers and offer feedback.
- Read bills and resolutions.
- Receive a notice when a bill advances.
- See how lawmakers voted on bills and resolutions.
- View informational materials on topics being considered by committees.
- Learn about the legislative process and much more on the General Assembly Home Page: <https://legislature.ky.gov>

Following the General Assembly's work often begins with a daily look at the Legislative Calendar. To find the calendar, go to the General Assembly's Home Page and click on "Legislative Calendar." The calendar shows which committees are meeting and when the Senate and House will convene.

Livestreams of legislative action can be viewed through feeds provided by Kentucky Educational Television (KET) and the Legislative Research Commission (LRC.) In recent months, LRC has made significant tech upgrades in committee rooms to improve videoconferencing capabilities, audio systems, and video livestreams for those viewing meetings remotely. KET livestreams all chamber proceedings, while committee meeting coverage is provided by both KET and LRC. To find links to the livestreams, go to the General Assembly Home Page and click on the "Live Coverage" button on the bottom right.

You can find each lawmakers' contact info, biographical info, committee assignments and sponsored legislation by clicking on the "Legislators" tab



The Kentucky General Assembly's 2021 legislative session begins on Jan. 5.

near the top of the General Assembly Home Page. You can also look up who represents your district.

The online Legislative Record has information on every piece of legislation introduced in the Senate and House. You can read summaries, the full text of bills, resolutions, amendments and see exactly how far each piece of legislation has advanced in the process. Bills can be looked up according to bill number, sponsor, or topic. If a bill has been voted on in a chamber, you can see how

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Lawmakers share details on health-related proposed legislation

by Jordan Hensley

FRANKFORT— As the 2021 session of the Kentucky General Assembly inches closer, lawmakers are already hard at work preparing their pieces of legislation to formally introduce in January.

On Dec. 15, members and a few guests of the Interim Joint Committee on Health, Welfare and Family Services shared their upcoming health-related bills during the committee's last meeting of 2020.

Committee co-chair Rep. Kimberly Poore Moser, R-Taylor Hill, discussed two bills she will sponsor during the upcoming legislative session.

First, is a bill on giving local governments more control over tobacco sales and marketing in an effort to reduce tobacco use and tobacco-related illnesses.

"This bill is not a local mandate," Moser said. "Rather it gives local elected officials a tool that they can use to improve health in their communities if they choose to use it."

The legislation is supported by the Foundation for a Health Kentucky, Coalition for a Smoke Free Tomorrow and the Kentucky League of Cities.

Moser also discussed Bill Request 966, which she is the primary sponsor of. This bill would eliminate prior authorization for medication for addiction treatment.

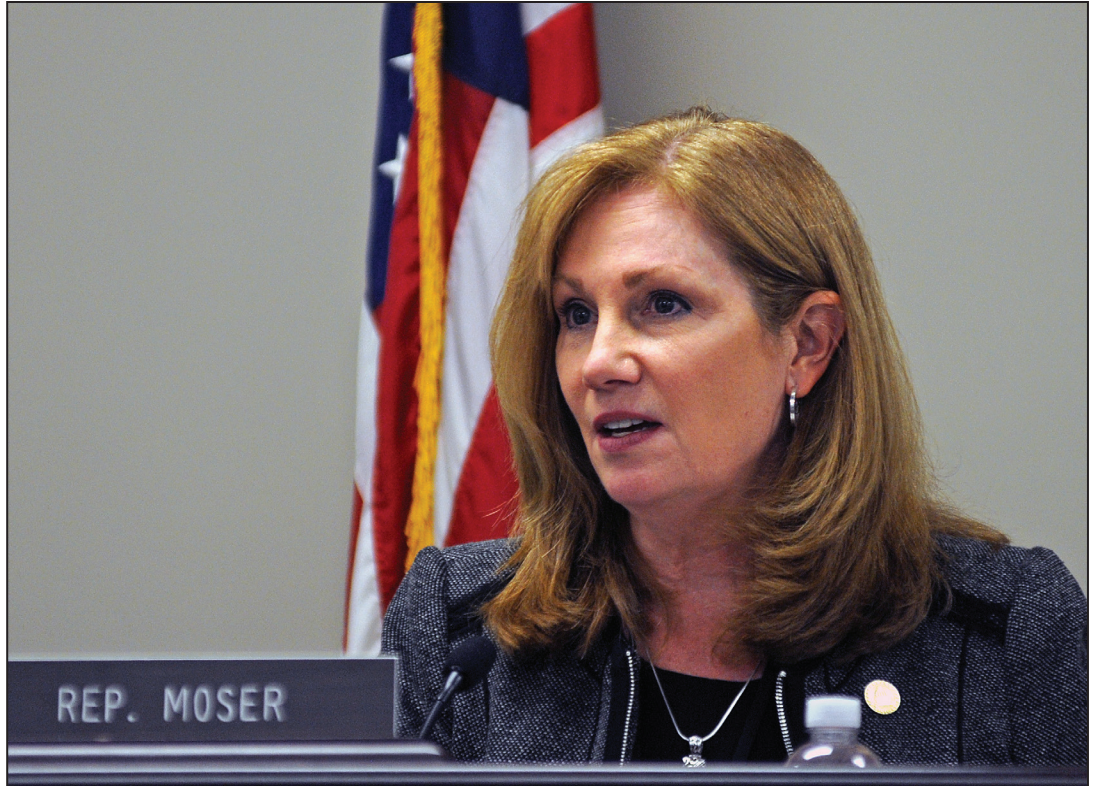
"Most of you know that prior auth(orization) is used to either approve or deny treatment, which has been prescribed by your healthcare provider," Moser said. "Prior authorization forces your healthcare provider to contact your insurance company or your pharmacy benefit manager to get approval before you can start certain treatments."

Moser added that prior authorization requirements can often delay time-sensitive treatment for those with substance abuse disorders for several days or weeks.

Committee co-chair Sen. Ralph Alvarado, R-Winchester, shared info on BR 35, which would regulate out-of-network billing.

"The key thing on the proposal that I've got is it holds patients harmless," Alvarado said. "So if someone does have a surprise bill of some sort, it would require their insurance coverage to make a payment to the provider based off of the current median in-network rate or the median in-network rate for 2019, whichever is higher."

Alvarado noted that a similar bill is making its way through Congress and could be passed by the end of this month, which would make his bill obsolete.



Rep. Kimberly Poore Moser, R-Taylor Mill, discusses legislation she plans to sponsor during the 2021 session of the Kentucky General Assembly.

In the same spirit of providing more coverage to Kentuckians, Rep. Kim Banta, R-Ft. Mitchell, has pre-filed a bill relating to Medicaid eligibility for individuals diagnosed with breast cancer.

BR 86 would allow people diagnosed with metastatic breast cancer from to eligible for Medicaid services without a long delay.

Banta asked Vanessa Ashley, a 55-year-old Kentuckian battling metastatic breast cancer, to speak on behalf of the bill.

Ashley said many people diagnosed with metastatic breast cancer cannot work or eventually have to quit their jobs and are at risk of losing their health insurance. This is especially true for unmarried patients who do not have a spouse's insurance plan to fall back on.

Currently, there is a three to five month processing time period with an additional two year waiting period before accessing metastatic breast cancer Medicaid benefits, Ashley said. This gap in coverage could keep metastatic breast cancer patients from receiving the care they need due to the high cost of the treatments they require.

In addition, Rep. Deanna Frazier, R-Richmond, also shared information on BR 163, which would keep most of the state's pandemic telehealth policies in place permanently.

Legislative panel hears testimony about gas taxes

by Jordan Hensley

FRANKFORT— Two organizations representing Kentucky's cities and counties want lawmakers to make increasing the gas tax to improve roadways and bridges a legislative priority during the upcoming legislative session.

KACo's presentation also advocated for fees for electric vehicles, expanded broadband, criminal justice reform, expanded access to substance abuse treatment, jail relief and more.

"I know it's easy to say, 'just get these things accomplished,' but we need the governor to step up on some of these issues and he's not been willing to do that thus far," Alvarado said.

Following KACo's presentation, Sen. Ralph Alvarado, R-Winchester, said some of their legislative goals will require support from "leadership from the top."

Other than advocating for an increase in the gas tax, KLC's presentation also focused on changing the state constitution and state law to allow cities to diversify its revenue, limiting no-knock warrants and more.

The Kentucky Association of Counties (KACo) and Kentucky League of Cities (KLC) advocated for a gas tax increase during their Nov. 17 presentations to the Interim Joint Committee on Local Government.

"In our members poll, a majority of them told us that more than 40% of the county roads are in need of moderate to significant repair and a quarter of our members said that more than 60% of their roads needed repair," said Madison County Judge-Executive and KACo President Reagan Taylor.

Taylor said KACo has roughly 1,500 members and about two-thirds of attendees representing 92 counties at KACo's annual conference last month participated in the poll.

He also pointed out that the state's gas tax revenues have been dropping in recent years and an increase in the gas tax is needed as the cost to maintain roadways and bridges increases and the funding to complete these projects drops.

KLC President and Mayor of London Troy Rudder also advocated for a gas tax increase on behalf of the organization and its members.

"The success of our state is tied to the success of our local communities," Rudder said. "They depend on our infrastructure. We must have reliable and safe streets and bridges. The issue is funding. We simply do not have enough money to take care of all the transportation needs we have."

Stay connected, from page 1

each lawmaker voted by clicking "Vote History" on a bill's summary page. Find the Legislative Record on the General Assembly Home Page by clicking on "Bills" near the top of the page.

Bill Watch, a bill tracking service, provided through a partnership of Kentucky.gov and LRC, sends users email notifications each time bills they are interested in takes a step forward. To sign up for Bill Watch, click the "Bill Watch" button near the bottom of the General Assembly Home Page.

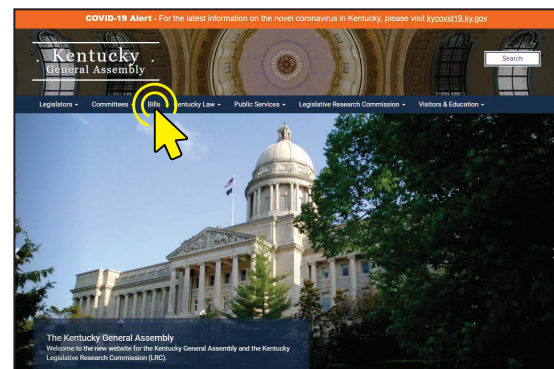
Information about legislative committees is available in the "Committees" drop-down list, found near the top of the General Assembly Home Page. To view materials such as info sheets, handouts, and PowerPoint presentations that are compiled for lawmakers to review at committee meetings, click on the "Meeting Materials" tab on the left side of each committee's page.

To share feedback on an issue with lawmakers, call the General Assembly's Message Line at 1-800-372-7181. Kentuckians with hearing loss can use Kentucky Relay by dialing 7-1-1.

A Spanish language line for legislative information will be available throughout the General Assembly's 2021 session by calling 1-866-840-2835.

To directly reach a lawmaker's office, call 502-564-8100. An operator will transfer the call to the office of the lawmaker you want to reach.

If you have a question about the lawmaking process or legislative resources, the LRC Public Information can be reached by calling 502-564-8100 ext. 307.





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1-10 copies: Free to general public;
larger numbers of free copies
are available to schools and state
agencies (*Copies over preapproved
limits require agency approval*)

Administrative Regulations

Administrative Register (monthly):
\$120.00

Acts of the General Assembly (2018)

Regular Session: \$80.00 (2 Volumes)
Special Sessions: Priced after printing

Journals

House and Senate Complete Set,
House Set, Senate Set: Priced after
printing

(All prices subject to 6% Kentucky sales tax
within Kentucky, and subject to change)



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Committee Meetings

Minutes of the 5th Meeting of the 2020 Interim

November 18, 2020

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Agriculture was held on Wednesday, November 18, 2020, at 8:30 AM, in Room 171 of the Capitol Annex. Senator Paul Hornback, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Paul Hornback, Co-Chair; Representative Richard Heath, Co-Chair; Senators David P. Givens, Stan Humphries, Robby Mills, Dennis Parrett, Damon Thayer, Stephen West, and Whitney Westerfield; Representatives Kelly Flood, Joe Graviss, Mark Hart, Kim King, Matthew Koch, Phillip Pratt, Brandon Reed, Rachel Roberts, Steven Rudy, Dean Schamore, John Sims Jr., Wilson Stone, Nancy Tate, Walker Thomas, James Tipton, and Susan Westrom.

Guests: Mark Haney, President, Kentucky Farm Bureau; Laura Knoth, Executive Director, Kentucky Corn Growers Association; Dr. Ryan Quarles, Commissioner, Kentucky Department of Agriculture; Jamie Guffey, Executive Director, Kentucky Poultry Federation; Dave Maples, Executive Vice President, Kentucky Cattlemen's Association; and Nikki Whitaker, Membership Coordinator, Kentucky Cattlemen's Association.

LRC Staff: Stefan Kasacavage, Kelly Ludwig, Nathan Smith, Susan Spoonamore, Committee Assistant.

The September 17, 2020, minutes were approved, without objection, upon motion made by Representative Reed and seconded by Representative Rudy.

Proposed Legislative Issues for the 2021 Regular Session

Mark Haney, President, Kentucky Farm Bureau (KFB), stated that KFB's top priorities included adequate statewide broadband connectivity, maintaining the allocation of 50 percent of the Master Settlement Agreement funds to the Agricultural Development Board, and ensuring the Kentucky Department of Agriculture is well financed. He said that KFB is focused on maintaining the sales tax exemption for agriculture goods, and maintaining the 4 percent property tax provision contained in House Bill 44 (1979). He stated that road funds for rural and secondary roads are extremely important to agriculture.

Mr. Haney also discussed the Kentucky Production Agri-Tech (KPAT) Initiative. He stated that KPAT was developed to bring attention to production

agriculture's growing needs in today's modern world of advanced technology. He said that the mission of KPAT is to bring forth a recognition of farming and business needs as they relate to ag-based technology, to engage with other statewide initiatives similar in nature, and to ensure Kentucky production agriculture remains included in the initiatives, as well as being sustainable and relevant as new digital initiatives are implemented across the Commonwealth. The mission is also to foster an environment of collaboration that allows technologically-driven success in the industry to be achievable by all. Mr. Haney stated that KPAT's top priorities include: (a) adequate broadband service throughout the state; (b) education, including a statewide program for training technicians focused on all aspects of technology in agriculture; (c) marketing tools to help farm families navigate in the world of podcasts and social media; and (d) continued research in the advancement of crop production, equipment, and livestock monitoring capabilities. Mr. Haney stated that it was necessary to move forward with the KPAT Initiative in order to achieve optimum results.

Senator Hornback stated the KPAT Initiative was unique in that all the commodity groups in Kentucky were working together to bring attention to Agri-Technology.

In response to Senator Hornback, Mr. Haney stated that this year's crop production was better than anticipated and the prices were higher. The money that was obtained through the federal stimulus package was a life saver for many agricultural operations.

In response to Representative Stone, Mr. Haney said that Kentucky Farm Bureau's annual meeting would be different than past years. The total number of in-person attendees would be around 400, compared to 2,200 last year. He noted that the Farm Bureau National Convention would be completely virtual.

Laura Knoth, Executive Director, Kentucky Corn Growers Association (KCGA), along with the Kentucky Small Grain Growers' Association (KSGGA) stated that the associations are focusing on improving markets and demand, strengthening consumer trust for products and practices, investing in research for economically and environmentally sustainable production, and advancing leadership and membership to provide a voice for Kentucky farmers. She said that the associations would be closely following the fuel regulations that the Kentucky Department of Agriculture has proposed that deals with dispensing E-15 fuel. Several retail chains are installing E-15 pumps which will allow for lower cost and cleaner burning fuel for Kentucky consumers. Ms. Knoth said that the KCGA and the KSGGA support the Kentucky Production Agri-Tech Initiative.

Senator Hornback recognized Hopkinsville’s Grain Elevator for retrofitting their plant to be able to make Personal Protection Equipment (PPE).

Dr. Ryan Quarles, Commissioner, Kentucky Department of Agriculture, stated that the North American International Livestock Show, the largest purebred show in the world, had 17,000 entries; down from 30,000. Keeneland was able to host the Breeders’ Cup and sales. He said that the Kentucky State Veterinarian, Dr. Robert Stout, would be retiring at the end of the year. He said the process of hiring a new State Veterinarian, was close to completion and a new veterinarian would be chosen in the near future. Commissioner Quarles stated that the western part of the state was very close to landing a salmon farm facility with the projection of producing 10,000 tons of salmon yearly. There are also other potential future businesses and current businesses looking to expand. He said that there is a new trade agreement with Japan to purchase beef and pork products. Another bright spot is the fact that China is making large grain purchases from the United States. The U.S. is also working with the United Kingdom to advocate for more sales of American products. On July 1, 2020, the United States-Mexico-Canada Agreement (USMCA) went into effect. Commissioner Quarles stated that there had been a 30 percent increase in Kentuckians using food banks and food pantries in Kentucky, and the agriculture community has been very generous in its donations. He stated that the Agricultural Development Board set aside \$1.5 million, along with an additional \$2 million from the CARES Act, to expand Kentucky’s meat processing plants. Consumers can help by buying Kentucky Proud products, especially cheese. For every package of cheese sold, fifty cents goes to support the food banks in Kentucky.

In response to Representative Flood, Commissioner Quarles said that he would have to look up the amount that farmers utilized on the tax credit for donations to the food banks.

Representative Graviss stated that he had been helping at food banks and that the generosity of the agriculture community had made a huge difference.

In response to Representative Heath, Commissioner Quarles stated that he did not know yet about the tonnage of feed that would be needed to supply the salmon plants.

In response to Senator Mills, Commissioner Quarles stated that the Department of Fish and Wildlife and the KDA work together on Asian Carp issues. Asian Carp, an invasive species, are still a problem in Kentucky’s lakes and need to be eradicated. There are three processing plants for Asian Carp, but it would need to be incentivized.

Senator Hornback stated that Asian Carp cannot be sold as Kentucky Proud because they are not raised in a confined area in Kentucky. If Asian Carp could be included under the Kentucky Proud Program, it would help those processors.

Senator Hornback said the money from the

Kentucky Agricultural Development Board and the CARES Act for new plants or existing processing plants will help to offset meat shortages and help small farmers.

Jamie Guffey, Executive Director, Kentucky Poultry Federation, said that 2020 had been challenging for all farmers. He said that when the numbers come in for 2020, he expects to see a decrease in the number of birds grown and processed due to the Covid pandemic. Some plants are growing larger birds. Poultry farmers are seeing staffing issues as is the case with every other agricultural business. It would help to see all agricultural businesses be classified as essential. The temporary closure of restaurants has a huge effect on the poultry industry. He also said that it was important to protect Kentucky’s Tobacco Settlement Funds so they can help young farmers, male and female, who were interested in the poultry business. He said that the Kentucky Poultry Federation supports the Kentucky Production Agri-Tech (KPAT) Initiative.

In response to Representative Stone, Mr. Guffey said that he did not know if new regulations related to Covid would be permanent. The plants in Kentucky are set up based on the end product, and each plant is different. The plants that are delivering to the grocery stores are having trouble keeping up with demand, and the plants delivering to fast food restaurants have seen a decrease in sales which backs up the supply chain.

In response to Representative Stone, Mr. Guffey said that there is a fear of staff reduction. The way the industry is setup, employees work shoulder to shoulder. Even with the barriers and split schedules, employees are still closer than six feet. Many plants are working closely with their health officials and receiving good marks from the health officials.

Senator Mills stated that he toured the Robertson County Tyson Plant and was impressed with how they were handling their on-campus health screening for employees.

Mr. Dave Maples, Executive Vice President, Kentucky Cattlemen’s Association and Nikki Whitaker, Membership Coordinator, Kentucky Cattlemen’s Association explained that in early March, the Association began discussing the Coronavirus Food Assistance Program (CFAP1). Ms. Whitaker said that cattle farmers received over \$121 million in assistance from the CFAP1 program. There were over 24,000 applications and 22,000 of those applications were cattle farmers. Ms. Whitaker said that applications for the CFAP2 program would be available until December 7, 2020. So far, 17,000 cattle farmers have applied and been approved for \$69 million to be distributed. She said that sale markets were able to remain open, allowing cattle to be moved through the markets. She stated that the Association is keeping an eye on market transparency bills on the federal level. She said that it had been hard to get out and talk with individual members and county associations because of Covid restrictions.

Mr. Maples stated that the Association put

together a strategic plan covering four areas: marketing, strengthening research, demonstration, and outreach. He said that the University of Kentucky plans to build a research facility on the Dean Oran Little campus that would include equine, cattle, and forage animals. He said that the original plan included rooms for commodity groups to be housed in the facility or on-campus.

In response to Representative King, Ms. Whitaker stated that the numbers mentioned earlier for CFAP1 and CFAP2 were Kentucky numbers. Farmers can find information at their local FSA Office or the United States Department of Agriculture web site.

Review of Referred Regulations

012 KAR 001:116 Sampling, analyzing, testing, and tolerances

012 KAR 001:120 Noxious weed seed

012 KAR 001:125 Identification of seed not for sale

012 KAR 001:130 Labeling of seed mixtures

012 KAR 001:140 Permits, reports, and fees for persons using own tags

012 KAR 001:155 Schedule of charges for samples submitted for testing

012 KAR 001:160 Seed not required to be labeled by variety name

012 KAR 001:170 Germination standards for flower seed

012 KAR 001:175 Seed certification in Kentucky

302 KAR 060:010 Produce safety

012 KAR 004:075 Licenses and fertilizer product registration

012 KAR 004:080 Plant nutrient guarantees and labeling

012 KAR 004:091 Repeal of 012 KAR 004:090, 004:120, and 004:160

012 KAR 004:100 Slowly released nutrients; labeling

012 KAR 004:110 Definitions for 012 KAR Chapter 004

012 KAR 004:130 Investigational allowances

012 KAR 004:140 Monetary penalties

012 KAR 004:170 Maximum chlorine guarantees for tobacco fertilizers

There being no further business, the meeting was adjourned.

**INTERIM JOINT COMMITTEE
ON APPROPRIATIONS AND
REVENUE
Budget Review Subcommittee on Economic
Development, Tourism, and Environmental
Protection
Minutes of the 5th Meeting
of the 2020 Interim
November 10, 2020**

Call to Order and Roll Call

The 5th meeting of the Budget Review Subcommittee on Economic Development, Tourism,

and Environmental Protection of the Interim Joint Committee on Appropriations and Revenue was held on Tuesday, November 10, 2020, at 8:30 AM, in Room 169 of the Capitol Annex. Senator Rick Girdler, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Rick Girdler, Co-Chair; Representative Lynn Bechler, Co-Chair; Senators Morgan McGarvey and Max Wise; Representatives Terri Branham Clark, Savannah Maddox, Bart Rowland, and Russell Webber.

Guests: Larry Hayes, Interim Secretary, Cabinet for Economic Development (CED); Katie Smith, Commissioner, Department for Financial Services, CED; Vicky Wise, Deputy Secretary, Labor Cabinet; Nicole Broyles, Budget Staff, Labor Cabinet; Chris Herndon, Budget Staff, Labor Cabinet; Kerry Harvey, Secretary, Public Protection Cabinet (PPC); Tammy S. Branham, Deputy Executive Director, Office of Administrative Services, PPC; Rebecca Goodman, Secretary, Energy and Environment Cabinet (EEC); John Lyons, Deputy Secretary, EEC; Cori Troutman, Assistant Director, Division of Financial Management, EEC; Mike Berry, Secretary, Tourism, Arts, and Heritage Cabinet (TAHC); Christopher Reece, Executive Director, Office of Finance, TAHC; Mona Juett, Deputy Commissioner, Department of Tourism; and Melissa Brewer, Division Director, Finance Division, TAHC.

LRC Staff: Sara Rome, Kevin Newton, Joseph Holt, and Benjamin Thompson

Cabinet for Economic Development

Secretary Hayes and Commissioner Smith provided an overview of the Cabinet for Economic Development and the cabinet's budget for fiscal years 2020-21.

In response to questions from Representative Webber, Secretary Hayes noted that about seventy five percent of the cabinet's investments are for the expansion of existing industries rather than new developments. Secretary Hayes stated that rather than waiting for consulting firms to bring possible projects to the state, the cabinet tries to recruit companies directly to locate in Kentucky. Secretary Hayes agreed to provide additional information regarding the breakdown of the cabinet's investments in new and expanding industries.

Labor Cabinet

Deputy Secretary Wise provided a presentation regarding the Labor Cabinet's budgetary needs.

In response to questions from Co-Chair Bechler, Deputy Secretary Wise said that she believes all unemployment insurance claims from March have been settled. Secretary Wise noted that the cabinet only investigates the most egregious reported violations of COVID-19 restrictions.

In response to a question from Senator Wise, Deputy Secretary Wise stated that the cabinet stopped notifying legislators when a constituent's issues were

resolved in order to streamline and make the process more efficient.

Public Protection Cabinet

Secretary Harvey and Ms. Branham provided an update on the Public Protection Cabinet's anticipated budget for fiscal year 2021.

Energy and Environment Cabinet

Secretary Goodman, Deputy Secretary Lyons, and Ms. Troutman spoke on the Energy and Environment Cabinet and its budgetary needs.

Tourism, Arts, and Heritage Cabinet

Secretary Berry, Mr. Reece, Ms. Juett, and Ms. Brewer presented on the budgetary needs of the Tourism, Arts, and Heritage Cabinet and its various agencies.

There being no further business before the subcommittee, the meeting was adjourned at 10:15AM.

CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE Minutes

November 16, 2020

Call to Order and Roll Call

The Child Welfare Oversight and Advisory Committee meeting was held on Monday, November 16, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Senator Tom Buford, Co-Chair and Representative David Meade, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Tom Buford, Co-Chair; Representative David Meade, Co-Chair; Senators Julie Raque Adams, Denise Harper Angel, Reginald Thomas, and Whitney Westerfield; Representatives Lynn Bechler, Joni L. Jenkins, and Nancy Tate.

Guests: Dr. David Sanders, Executive Vice President of Systems Improvement, Casey Family Programs; Kennedy Robertson, Kentucky Citizen; Michael Rodenberg, Kentucky Citizen; Jini Payne, Kentucky Citizen; Jessie Kolb, Kentucky Citizen; Desiree Krank, Kentucky Citizen; and Kelli Rodman, Executive Director, Office of Legislative and Regulatory Affairs, Cabinet for Health and Family Services.

LRC Staff: Ben Payne, Samir Nasir, Becky Lancaster, and Shyan Stivers.

Approval of Minutes

A motion to approve the minutes of the October 14, 2020, meeting was made by Senator Raque Adams, seconded by Representative Bechler, and approved by voice vote.

Data-Driven and Evidence-Based Approaches to Improving Child Welfare in Kentucky

Dr. David Sanders, Executive Vice President of Systems Improvement, Casey Family Programs, stated that Casey Family Programs is the nation's largest operating foundation focused on safely reducing the need for foster care. Casey Family Programs works to influence long-lasting improvements to the safety and

success of children, families, and the communities where they live. Kentucky was one of the first states to gain federal approval of a Family First Prevention Services Plan. The Family First Prevention Services Plan is the first step in receiving reimbursement for prevention services. The Family First Prevention Services Act is bipartisan federal legislation and was signed into law in February 2018. The Family First Prevention Services Act extends the federal Title IV-E reimbursement to children at risk for placement in foster and for payment of prevention services.

Dr. Sanders stated that a child protection agency goal should be to ensure the safety, permanency, and well-being of children and their families. Infants and toddlers have a high risk of an abuse or neglect fatality compared to other age groups. In 2018, 42 percent of children in Kentucky foster care were five years of age or younger. A call to a child protective services (CPS) hotline is the best predictor of a later child abuse or neglect fatality. He stated that there are three measures to know if children are safe in Kentucky; the numbers of recurrences of child maltreatment, child maltreatment fatalities, and re-entry in to foster care.

The recurrence of maltreatment rate is counted if the child experiences a repeat maltreatment within six months. Kentucky has a higher percentage of recurrence of maltreatment rate than the national rate, however, various states have different definitions of abuse or neglect. In 2018, Kentucky's rate of child maltreatment fatalities were lower than the national rate. Kentucky has a higher percentage of children that re-enter care within 12 months of timely permanency than the national percentage. He shared a graph comparing Kentucky and national percentages by the reasons why children are removed and enter into foster care.

Dr. Sanders stated that Kentucky has developed evidence-based alternatives such as the Family Preservation Program, the Kentucky Strengthening Ties and Empowering Parents (KSTEP) program, and the Kentucky Sobriety Treatment and Recovery Team (START) program to help safely keep families together. The average cost of foster care for a child in Kentucky is approximately \$52,481. The Kentucky Family First Prevention Program average costs per child is approximately \$12,628. The federal government Family First Act supports services that were previously only paid for by Kentucky. He shared a graph that displayed the ratio of how many children are entering and exiting foster care. He stated that when a child enters foster care they need to leave care with a stable, loving, caring family in a timely manner. He stated that fewer children are leaving foster care within a year than are entering foster care in a year which means children are languishing in foster care. He stated there was a decrease in the number of children that entered care from 2018 to 2019.

Dr. Sanders shared a graph that reviews the rate that Kentucky children enter into foster care by race or ethnicity. Multi-racial and black African American

children have much higher rates of entries into foster care. He shared comparison graphs that review where children are placed after removal in Kentucky and nationally. He stated that 65 percent of Kentucky children that are removed from their homes are placed into foster care. Kentucky has a much lower percentage of children going to kinship care than the national rate. He stated that placement with kin potentially reduces the trauma for children who are in out-of-home care.

Dr. Sanders stated that the legislature as an oversight body can decide what defines success and how that is measured. Safety and moving children quickly to permanency are two of the most important measures. The use of prevention services in Kentucky appears to be an avenue for keeping children safe and with their families. He stated data that monitors key outcomes for children and families is important as well as data being disaggregated by race, age, regions, counties, and communities. The return on investment of state dollars remains a critical area of review.

In response to questions and comments from Senator Thomas, Dr. Sanders stated that the number of children in out of home care differs in communities across the country. In Kentucky, 52 percent of children that are in out of home care because of neglect and the definitions of neglect can easily be confused with poverty. In some situations, what is described as neglect is an inability of parents to obtain the necessary supports for their children versus an unwillingness on their part to do so. He stated that the referrals that come into a child protection agency come primarily from law enforcement, schools, neighbors, and hospitals. There is a disproportionate percentage of children of color referred to the child protection agencies. He stated that the data he presented does lead to questions about why children are entering out of home care and should they be entering out of home care. He stated that removing children from their homes is a serious intervention that could have long-term side effects but could also be necessary to save children's lives.

In response to questions and comments from Representative Bechler, Dr. Sanders stated that a when child is returned to their home safely, safely is defined as not having another incidence of abuse or neglect within six months. If the child was abused or neglected within six months of return, then safety was comprised and it would not have been counted as a safe return. Many states choose a different length of time but any abuse or neglect within six months is reported by all states to the federal government.

Foster Care and Adoption Experiences in Kentucky

Kennedy Robertson, a Kentucky Citizen, stated that in 2019 she, her husband, and two children began the process of becoming foster parents in Kentucky. They had previously completed training in Indianapolis, Indiana prior to moving to Kentucky. They began their training process with Heritage Children Services in Campbellsville, Kentucky. The

foster parent training in Kentucky was much different than what she had experienced in Indiana. She was given black and white training materials copyrighted in the 1990s, materials were read to them verbatim with no interaction or further explanation from the trainers, and often the trainings did not last the required time. In February 2019 they were licensed for three children but in May 2019 received a call for four siblings. They were told this was an emergency placement, there were no other homes available, the children had good skills, and no behavioral needs. They prepared an extra bed and supplies and accepted the placement. They took the children to appointments and worked to help them adjust to being in their home.

Mrs. Robertson stated that after their initial time together, the children started to show strong behaviors toward her biological children. The foster children did have behavioral issues and low skill levels. She advocated strongly for each child to receive more services such as occupational therapy, physical therapy, trauma counseling, First Steps, medical attention, and dental work. Within 2 months of services, she saw vast improvements in the foster children. However, behaviors with one of the children were still difficult and dangerous to the other children and herself. Heritage Children Services provided in-house therapy once a week with a therapist that cancelled, showed up late, brought other people, or just watched the children play with toys. She later received a new therapist that seemed to be a better fit with the children. As more therapy was completed and the children had increased interactions with their parents, the foster children's behaviors worsened. She realized that her biological children and some of the younger foster children were not safe with one of the foster siblings.

Mrs. Robertson stated that when she asked what her options were and in reply she was immediately asked if they were putting in their notice on these children. She answered no and told the agency worker one specific child needed more than she or the agency had to offer but they wanted to help this child. She was told by the agency workers that there weren't any other options. She was told to ignore the negative behaviors and to only pay attention to the positive behaviors because the negative behaviors would probably never change or go away. During this time they had two different therapists and three case workers. Mrs. Robertson tried everything to help the foster children with consistency and behaviors. She used sensory equipment, coping strategies, calming toys, time-outs, time-ins, meditations, and parent dates for each individual child. She had consistent routines, physical activities, and a plethora of food available. Her family maintained a relationship with the birth parents and advocated for communication when it was safe to maintain connections. However, she was labeled reactive by her agency when she would stop dangerous behaviors of the children and call the crisis line for help or advice.

Mrs. Robertson reached out to the state social worker for advice and options and was told that any therapies the children needed would be approved. Her agency told her that wasn't allowed and that she should not contact the state worker. As behaviors continued, she advocated for more help and received more pushback from her agency. Instead of helping the situation, the agency would send the foster children on respite and advise her family to calm down and re-center. The foster children would return to her home with escalated behaviors and fears of being sent away again. Behaviors again worsened and it was unsafe for her children to be with the foster children. Mrs. Robertson put in her two week notice for removal for the safety and well-being of her biological children. The agency had a family that accepted the kids before her notice was given. She received a call the next day and stated that the children would be going on respite immediately until placed in their new home. She asked that the agency not do this so they would have time to explain what was happening and to spend time with the children. The agency told her it was not up for discussion and to have the foster children ready to leave immediately.

Mrs. Robertson stated that while preparing the children to leave she found a horrific bruise on one of the foster children that was said to be from one of the other foster children. Mrs. Robertson reported the bruise to the case worker who did not sound concerned but stated she would type a report about the bruise. The respite mom called Mrs. Robertson that night to tell her of more bruising she found that was said to be caused by the same foster sibling. The respite mom reported the bruising to the agency and they stated it was already take care of. The next day the agency called to say the children would be coming back to their home that day to stay until they would be moved to their new home. With the foster children returned she found more bruising and called to report it. The agency called her back to tell her to have the children at the agency within 45 minutes to return to respite. Mrs. Robertson did not understand what was happening and felt her family was being punished for reporting the injuries. She was told that her reactivity was a trigger that caused the dangerous behaviors. At the six month mark, she had even been asked by the state worker if her family was willing to adopt the children. She told the state worker yes because she knew that once adopted she could provide every service possible for the children.

Mrs. Robertson stated that a few days after the foster children's removal she received a call from the Department for Community Based Services (DCBS) office that allegations had been made against her and her husband of abuse to one of the foster children. At the time she was in Indiana and was told that if she was not home by that night, she had to provide the address and names of those she was with so the local DCBS officers could do a safety check on her children and begin the investigation. She complied

and gave her location however by 6:00 PM no one had shown up. The Kentucky investigator advised her to return home and the investigator would come the next morning. Mrs. Robertson and her family were home and ready at 8:00 AM. The investigator heard Mrs. Robertson's side of the story and told her that it was believed that her biological children were not safe around them and that she and her husband would have to be supervised all day and night. Mrs. Robertson was told that supervision was voluntary but if they chose not to sign, the investigator would get a court order from the judge, at which point a supervisor would be assigned or her children could be removed, if deemed necessary.

Mrs. Robertson stated that both of her biological daughters had to submit to a body exam to check for bruising which again was voluntary but the investigator would also get a court order for if she did not comply. She complied with the investigator while her daughter screamed and cried while having to strip naked in front of a stranger. Mrs. Robertson had gone back on everything she had taught her daughters about body boundaries and made them feel unsafe for someone else's peace of mind. The investigator did not tell them that it would take up to 45 days to get a court order. At the direction of her father, they contacted an attorney, discussed the situation, and agreed to sign a document of supervision for 14 days. Her father, Michael Rodenberg, had to return from a business trip to act as a supervisor for her and her husband. Mrs. Robertson's daughters moved in with her parents, she and her husband had to be in sight line of her father when in his home. She could not take them to the restroom, bathe them, feed them, or do bedtime without her father in the room. It was extremely confusing to the girls and her father had to realign his entire life and work schedule to be there every second.

Mrs. Robertson stated that after the foster children were removed, the agency requested that they to come in for a meeting. The agency stated that it was required, she refused and referred the agency to her attorney. During the two week supervision period there was little contact with the agency, the Robertsons were asked to sign an extension for supervision and after discussing it with their attorney they refused. In the early stages of this investigation they were visited by a Kentucky State Trooper. Her family was preparing to move to Tennessee because her husband's job was transferred. The trooper stated he had been told she and her family were fleeing the state. She and her husband gave their statements on the case and the wrong doing of the agency. Her attorney clearly communicated to the agency that her husband had a job transfer and they would continue to cooperate with the investigation.

Mrs. Robertson stated that two weeks ago she received a call from her attorney that CPS had another investigation regarding a past report and false claim by one of the foster children that she had submitted

to the agency. Upon reviewing the case file, the investigator realized the agency had not reported any of the critical incidents to the state, which the agency is mandated to do so. Therefore CPS had to open another investigation. Mrs. Robertson compiled very detailed journals for each child. She was required to have daily behavioral and medical logs for each child and was diligent to detail every day the children were with her family. She remains in the dark as to where the investigation is at this point. She panics any time she receives a call from the attorney or investigator. She is scared of more bad news or another false allegation. She wanted a large part of her life to foster and advocate for those that could not do it for themselves but this experience has left her with a pit of guilt for putting her family through such a trial. She stated that she will continue to advocate for foster children but in ways that does not include fostering.

Mrs. Robertson would like to see training updated throughout the state and to be required equally across the board. Foster agencies held responsible, audited frequently, and not allowed to retaliate against families. She knows of families in similar situations that are too scared to submit their experiences for fear of losing their foster children or a disruption with their biological or adopted children. Foster parents need protective rights. She stated that there has been no due process for her family. She stated that fighting for the well-being of foster children compromised the safety of her own children.

In response to questions and comments from Senator Buford, Mrs. Robertson stated that her total legal fees are unknown, at this point, but there was a \$500 deposit with their lawyer.

Michael Rodenberg, a Kentucky Citizen, father of Kennedy Robertson, stated that his purpose in testifying is to support his daughter and her testimony. Many people are concerned and fearful of being retaliated against by foster care agencies and workers. He hopes that sharing her experience will help others through the foster care process. He saw that Kennedy and Tyler Robertson were adamant that the foster children in her home received the best care possible. He stated that she did everything to the letter of the law in terms of making sure that she was doing what was required of her. When Mrs. Robertson received a call from CPS, she went to her father for advice. He assured her that everything would be fine, he then left for a business trip but had to abruptly end his business trip to supervise and be a guardian for his daughter and her husband. He, his daughter, and family tried to work through the process as a means to hopefully help the foster children. He stated that the treatment received by his daughter and her family was horrible. The reason they hired an attorney was to protect his daughter and her family. He stated that they were fortunate to have the means to hire an attorney and that others in similar situations are not as fortunate. The intimidation that was extended towards his daughter was very frustrating. He stated that to have

an agency not follow protocol or cooperate with the state is unacceptable.

In response to questions and comments from Senator Buford, Mr. Rodenberg stated that he appreciated Sen. Buford's offer to facilitate a meeting on neutral ground with Mrs. Robertson, Mr. Rodenberg, the assigned social worker, and a lead from CHFS for Health and Family Services (CHFS), without legislators, to try to get a determination regarding the case and for the Robertsons to express their concerns. Mr. Rodenberg requested that the case be expedited because there has been no feedback on the status of his daughter's case. Mrs. Robertson's case should be resolved and closed immediately.

In response to questions and comments from Senator Thomas, Mrs. Robertson stated that the foster children were placed with her family in May 2020 and removed in August 2020.

In response to questions and comments from Representative Meade, Kelli Rodman, Executive Director, Office of Legislative and Regulatory Affairs, Cabinet for Health and Family Services, stated that she is listening and taking notes on behalf of CHFS. CHFS will be glad to answer questions by email. Ms. Rodman will take Senator Buford's comments regarding a meeting to the staff to see how CHFS can work with this family and other families in similar situations.

Jini Payne, a Kentucky Citizen, stated that she lives in Barren County and that three of her children came to their family through foster care. Her three foster daughters, ages 25, 23, and 22, all have special needs and now live in her home. In 2008, Mrs. Payne became a Court Appointed Special Advocate (CASA). By 2010, she had become a foster parent and planned to adopt her only CASA case. She immediately had issues with her initial agency and made the decision to change agencies. She then received a call to pack her three foster daughters for five days while her family was investigated for abuse. The agency she left filed the report against her. During the investigation she was told her other children could be removed if they fought having her three foster daughters removed. All abuse claims were unsubstantiated but the girls were not returned. She was not allowed to see or talk to the girls but never stopped fighting for them to return to her home.

Her oldest foster daughter turned 18 in May 2013 and was recommitted to foster care. In July 2013, she called Mrs. Payne on the phone hysterical because she had been thrown out of her foster home. In August 2015, the middle foster daughter turned 18 and was left in her agency's parking lot for Mrs. Payne to pick up. Her youngest foster daughter remained in a residential facility for four and a half years. Mrs. Payne was contacted by a representative of the former Kentucky First Lady, Mrs. Glenna Bevin, regarding a story in the Courier Journal about her situation. Mrs. Bevin wanted to help the girls achieve permanency with Mrs. Payne. It was still a long road with CHFS

making things more difficult than necessary. All three girls have changed their names and Mrs. Payne and her husband are their legal guardians. Mrs. Payne stated that the girls were never adopted and that CHFS cheated them of that experience.

In July 2019, Mrs. Payne received a call asking for placement of a 10 month old, 20 month, and a four year old for three weeks. Mrs. Payne's home would have been the children's fourth home in 11 days. She accepted the placement and three weeks later the judge did not send the children home. The parents moved three hours away that day. The judge stated that services needed to be in place for the children before reuniting them with their parents. All three children were extremely delayed. The children's social worker told her many times that there was a plan to move the children with a relative but that plan would fall through. Mrs. Payne was still advocating for services and educational continuity for the children. She was later told that the children would be moved on the Monday before the scheduled court date on Tuesday. Mrs. Payne begged for CHFS to wait to get clarification from the judge.

Mrs. Payne stated that CHFS refused and the children were moved on Monday. The attorneys and social workers tried to have Mrs. Payne removed from the courtroom on Tuesday, but the judge insisted she stay and tell her recount of what the children had experienced. The judge told CHFS the children had been shuffled unnecessarily and because service had not been in place previously that it would likely be late January until the children received the services they needed. Mrs. Payne stated a CHFS supervisor said that she forgotten that the oldest child should not have been moved during the school year. The judge replied that CHFS needed to start putting the children's interests first.

Mrs. Payne stated that in June 2020 she applied to be a state foster home but received a call from a state worker that told her she would not be licensed. The worker asked if Mrs. Payne had been investigated. She stated that she had been investigated in 2010 but all claims were found to be unsubstantiated. The social worker told Mrs. Payne that it did not matter that the claims were unsubstantiated and that she was not allowed to file a service appeal. In July 2020, Mrs. Payne received a call from her foster agency asking for an immediate placement of a 16 year old girl with diabetes who had been abandoned. This would be her first placement since the three young children had been moved from her home in December. She waited for over three hours and no one came with the child. She called the social worker that had asked for the placement and the social worker only told Mrs. Payne that she was sorry. Mrs. Payne stated that there was no explanation as to why the child could not or should not be placed with her. Mrs. Payne felt she was being retaliated against because she disagreed and challenged the social workers in regards to the three young children previously in her home.

Mrs. Payne stated that retaliation is real and that all foster parents fear it. Children are moved from foster homes with no input from judges, therapists, Guardian Ad Litem, or the foster parents. She stated that many times children are removed from their current foster home because the foster parent made the social worker mad or created extra work for them. She stated that sometimes, like in her case, CHFS will retaliate by not allowing you to foster children in your home.

Mrs. Payne stated that many foster children have been in care far longer than 15 months. Federal law requires that once a child has been in foster care for a total of 15 months that the child must begin reunification or the termination of parental rights (TPR) process must begin. Kentucky state law repeats this requirement. She knows of a four year old boy that has been in foster care for a total of 33 months. In the past 25 months, the boy's parents have not been allowed unsupervised visits. Suddenly, the social worker wants the child returned to the parents as soon as possible. She stated that it is illegal for the state to allow a child to languish in the foster care system for 25 months, 33 months, four years, or longer without starting the TPR process. She stated that CHFS fails children by not following its own regulations. If a foster parent does not follow the rules they are reprimanded, given a corrective action, investigated, or their license is revoked. She stated there is no accountability in CHFS if the social workers do not follow policies or state laws. She stated that calling the Ombudsman's Office with complaints is a completely ineffective process.

Mrs. Payne would like to see foster parents be considered as part of the child's team. Many foster parents only want to give children a safe home and are not out to destroy families. Many foster parents offer help and support to the biological families. She stated that foster parents' concerns are often ignored by social workers. She stated that it would be more beneficial and productive for the children if foster parents were treated as part of the child's team instead of a hurdle for CHFS. She is concerned with the number of times children are moved between foster homes. Her three daughters were in more than 20 homes and in at least six schools. When a child forms an attachment to a caregiver and that attachment is severed, it is harmful to the child. The broken attachment adds another layer of trauma to an already traumatized child. Children are emotionally hurt, confused, and many times angry. She believes the social workers discount the harm done to children when they are moved from home to home. Barring an emergency, the child's team including foster parents, should meet and decide what is best for the child. Social workers should be more trained in trauma informed care and attachment.

Mrs. Payne stated that CHFS is losing foster homes and there is a foster parent retention work group. She stated that CHFS seems to only want foster parents that do not ask for services for the children, do

not question when rules are not followed, and that do not fight for the rights of foster children. She stated that she considers fostering children a calling and that she feels a void not being able to foster despite being licensed. She is not allowed to advocate for children without repercussions. She feels that her testimony today will mean that she will never receive another placement. However, she feels that the issues discussed are too important to sit quietly while children continue to be harmed by the system that is supposed to provide them safety and permanency.

In response to questions and comments from Senator Thomas, Mrs. Payne stated that the three younger children came to her family in July 2019 and removed in December 2019. She stated that the children have been in four other homes since the removal with a total of eight homes in just over a year.

In response to questions and comments from Senator Buford, Mrs. Payne stated that she would be willing to attend a meeting with CHFS leadership to discuss her experiences.

In response to comments from Senator Raque Adams, Mrs. Payne stated that many foster parents are not invited to court, not told of court dates, and with Zoom teleconferenced court dates, many foster parents are not being given the link to the Zoom meeting. The foster parents are being told they are not needed there, so the judge is not able to hear from foster parents. In some cases, the foster parents are the child's only representation or advocate for what is actually happening in their life.

Jessie Kolb, a Kentucky Citizen, stated that she is a certified social worker and works as a protection and permanency worker in Trimble County. In 2016, a post termination case was transferred to her caseload. The girl was 13 years old, had been in foster care for three and a half years, gone through 11 homes, and was separated from her five siblings with no sibling visits. She was referred to the special needs adoption program in an effort to locate an adoptive home for her. Ms. Kolb spent a lot of time with the girl taking her to adoption matching events, photo shoots, and just getting to know to better help the girl find a forever home. In July 2017, Mrs. Kolb transferred jobs to Oldham County but requested to maintain the girl's case because she was making progress with the girl. Over the next year, the girl moved between five foster homes that also included stays at multiple emergency respite homes. The girl was severely abused and neglected that caused a lot of emotional issues and acting out. The girl has also been in and out of the hospital frequently.

In March 2018, after the girl's fourteenth foster home was disrupted, Mrs. Kolb and her husband agreed to begin the process of trying to adopt the girl. Mrs. Kolb did not have any children and could focus all of her attention to the girl, which is what she needed. The girl was placed in a home with a total of nine other people. Mrs. Kolb transferred back to Trimble County. Mrs. Kolb's request to pursue

adoption of the girl was approved in May 2018. Also in May 2018, it was decided that the girl's case would transfer to Oldham County. Mrs. Kolb was not comfortable with the case transfer with the overlapping roles and relationships because the girl's social worker had previously worked on her team. Mrs. Kolb was told that as long as they didn't talk about the case that it would be fine. Later in May 2018, there was an incident where the girl needed to be assessed for hospitalization. After calling the Oldham County office eight times for consent with no answer, the girl's case manager reached out to her for help. Mrs. Kolb sent a text to the supervisor advising them of the situation, then stepped out of the situation because that was no longer her role in the case. The same day her contact with the girl was stopped. Mrs. Kolb was told she should not have unlimited access to the child. She was not given a way to request or schedule contact with the girl.

Mrs. Kolb stated that in June 2018, she was visiting another child at a hospital and saw the girl. The girl asked why she couldn't talk to her, but Mrs. Kolb changed the subject because she didn't know the reason. This incident was later cited as part of the reason the case was transferred and the contact stopped however the contact was stopped before this specific event. The girl was then placed in residential treatment. The girl's therapist recommended that there be no contact with Mrs. Kolb so the girl could settle into the placement. Mrs. Kolb stated there was no plan to resume contact with the child she intended to adopt. Mrs. Kolb was allowed to continue the foster parent approval process. Mrs. Kolb contacted the Ombudsman's office who told her they would send her complaints to human resources as an ethical concern but that also did nothing for Mrs. Kolb or the girl. Mrs. Kolb was put in touch with someone in Frankfort at CHFS for Health and Family Services. In July 2018, Mrs. Kolb was allowed to meet with the residential facility. The facility questioned why there was no contact but Mrs. Kolb did not know the reasoning. The facility had no idea that she was actively pursuing the opportunity to adopt the girl. No one at CHFS told the facility why contact with the girl was stopped. Despite the lack of reasons, the no contact recommendation remained.

In August 2018, Mrs. Kolb participated in a meeting with the residential facility therapist, case supervisor, clinical associate, administrative associate, and the service region administrator (SRA). Only the SRA advocated for her to have some contact with the girl. After the primary meeting, she met with just CHFS. In the meeting, the case supervisor stated that contact was stopped because the girl's previous foster home identified that they were interested in adopting the girl. However, Mrs. Kolb maintained a good relationship with that foster family and knew that CHFS only asked about potential adoption after the girl was in the residential facility. Mrs. Kolb's intentions to adopt were made clear well before the girl went the facility. Mrs. Kolb was told that the

previous foster family had also not yet confirmed they were willing to adopt the girl.

Mrs. Kolb was approved to foster through Saint Joseph Children's Home and it was decided in November 2018 that the girl would be placed with Mrs. Kolb. Mrs. Kolb was disappointed that she could not give the news to the girl and to better explain the situation. The girl was previously told that she was certainly going to be placed in the previous foster home. The girl liked the previous foster home but it was not good fit for her individual needs. The girl was initially angry, depressed, and confused about the change because their bond had been irreparably damaged. After six months of hard work, the girl was adopted by Mrs. Kolb and her husband after six years in foster care.

Mrs. Kolb stated there is no accountability or consequences for the agency or CHFS. She stated her family was lied to, manipulated, concerns were ignored, and the child's best interests were brushed aside. She no longer trusts her employer, her regional staff, or any worker outside of her county. She stated that like many social workers, she no longer has the desire to pursue a long-term career with CHFS. The issues in her case were not due to lack of legislation but caused by lack of consequences for unethical actions, lack of real guidance, and lack of true leadership within CHFS. Her daughter's social worker in Oldham County or her special needs adoption program worker had no say in what was happening in the girl's case. She has seen Cabinet leadership force workers into filing petitions the workers do not believe in filing. Mrs. Kolb has seen CHFS return children to parents that are actively using drugs. She stated that the good social workers are exhausted and holding on by a thread, or have already left CHFS.

In response to questions and comments from Senator Thomas, Mrs. Kolb stated that she is employed with CHFS in Trimble County.

Desiree Krank, a Kentucky Citizen, stated that she has been a foster parent for seven years. The journey of fostering has not always been easy or joyful but she never thought she would face such horrific experiences. Ms. Krank was retaliated against because she fought for the best interests of the children entrusted to her care. In May 2019, she received a call for a placement of two girls, a newborn and a four year old. The girls were removed from the birth mother due to dependency issues. After a short time, the four year old girl disclosed that the birth mother's boyfriend, the father of the newborn, had repeatedly molested and hit her. The four year old girl stated that she was sharing a bed with the mother's boyfriend on the overnight visits. The Guardian Ad Litem for the girls brought the allegations to the judge and visitation was suspended. Ms. Krank continually made reports of the claims as they were made by the child after the home visits were reinstated. Ms. Krank was never given any notice of court dates, an opportunity to attend court, or was allowed her right as a foster parent to be heard in court. Her requests to

be informed were ignored by DCBS.

Ms. Krank is not aware of what was told to the judge when the visitation reinstated. Ms. Krank did find out that DCBS was ordered by the judge to see both of the children after every home visit but that did not happen. The first time a social worker came to visit the children was February 2020, after Ms. Krank made a report to the hotline. CHFS did not come to back check on the children until August of 2020, which is a violation of state and federal law. The judge repeatedly ordered the social worker to submit records and a report to the court, a CHFS attorney was forced to be involved because the social worker had failed to submit the required the documents. Shortly after visitation was reinstated the four year old girl once again began to disclose sexual abuse by the mother's boyfriend. The child was very detailed in describing the abuse that occurred. Ms. Krank stated that by law it is her duty as a foster parent to report each occurrence to the child's social worker. Ms. Krank also made reports to the DCBS hotline. The child's social worker became angry with her because she was making reports to the hotline. The social worker informed her that it was court ordered that Ms. Krank no longer had permission to discuss visits with the child. Ms. Krank called the child's guardian ad litem out of concern and confusion. Ms. Krank was told that was untrue and the social worker had lied.

Ms. Krank stated that her foster daughter also disclosed abuse multiple times to her therapist. The therapist made multiple attempts to contact the social worker regarding the disclosure but eventually made hotline reports of the sexual abuse. The four year child disclosed the sexual abuse to three social workers, a therapist, and Ms. Krank. Instead of discussing the allegations and reports, the child's therapist was contacted by the social worker and told she was no longer given permission to provide therapy to the child. After many reports, DCBS opened an investigation into the sexual abuse allegations. Instead of the investigation going to a non-biased worker, the investigation was given to the same on-going social worker who told Ms. Krank to stop reporting the abuse. The same week the allegations were being investigated, the same social worker made an allegation that caused an investigation to be opened on Ms. Krank's foster home. The social worker claimed that Ms. Krank's five year old adopted son had been hitting and sexually abusing the four year foster child.

Ms. Krank stated that the case against her son was opened on July 23, 2020. The first week of August 2020, she was informed that the two foster children were being removed from her home as a result of the allegations. She was told her son was an eminent risk to the two foster girls but not to the other children in the home. She was told the girls were leaving that day. Ms. Krank called the children's guardian ad litem, and every social worker and supervisor that she could. Ms. Krank spoke with the Jefferson County SRA and was told that the situation would be looked into and Ms. Krank would hear back from her. Ms.

Krank never received any response. Ms. Krank made several attempts to contact the ombudsman's office by phone and through email, yet only received one generic email response. The children's guardian ad litem then refused to speak with Ms. Krank. The girls were not picked up that night. On August 7, 2020, a meeting was held online via Zoom. The foster care staff informed the birth mother that DCBS was not recommending returning the children to her and that the August 13, 2020, court date had been postponed. The staff stated that 11 different services would need to be in place for the birth mother to safely parent.

Ms. Krank stated that she was told the children would be removed from her home on August 11, 2020. Ms. Krank was told removal from her home was because she and the biological mother could not get along. Ms. Krank contacted the ombudsman's office to let them know that as required by law, she had not received the 10-day notice or the right to appeal the move of her foster daughters. Ms. Krank later received notice the girls would be moved on August 20, 2020 because the birth mother had petitioned the court for custody. A petition for custody was never made by the birth mother. Ms. Krank hired an attorney to try to get all the information before the judge. Ms. Krank stated that anyone with DCBS experience knows that hiring an attorney is essentially a death wish as a foster parent. Ms. Krank felt strongly that the judge needed to know about the undue harm caused to her foster daughters. The judge who normally presided over the case was on medical leave. Ms. Krank's attorney filed a motion to the court to allow her to explain to the judge what was happening with her two foster daughters. On August 19, 2020, the judge that heard the motion decided it was not an emergency and scheduled her motion to be heard before the original judge on September 10, 2020.

Ms. Krank stated that moments after that judgement, CHFS somehow made a motion with the original judge, who was on medical leave, stating that all parties were in agreement that custody of the children should be returned to the birth mother. Without a hearing, the judge signed an order to return the children to the birth mother. However, a week earlier the birth mother needed 11 services in place to safely parent. Ms. Krank was contacted that evening and told to pack the children's things. The foster daughters were at the biological mother's for a visit on the day of court so the children never came back to Ms. Krank's house. Ms. Krank and her family were never given an opportunity to say goodbye to the two girls. The children still reside at the birth mother's house. Ms. Krank was told by the birth mother that she does not want Ms. Krank to have any contact with the children because the social worker had told her Ms. Krank was trying to steal her children.

On August 27, 2020, Ms. Krank was scheduled to adopt a different foster daughter who had been in her care for over two years. Two days before the adoption, Ms. Krank received a call that the adoption had been canceled. She was told the reasons were

because allegations were made against her. It took Ms. Krank many hours to determine that her previous foster daughters' social worker had opened a case against Ms. Krank. However, no one could explain the allegations. Ms. Krank never received any official notification of allegations or an investigation. In the next weeks, Ms. Krank was told DCBS had lost her adoption contract and forced her to resign signature pages while refusing to let her see the full document she was signing. After being threatened with losing the opportunity to adopt the child, Ms. Krank signed the forms and was allowed to adopt her daughter on October 1, 2020.

Ms. Krank stated that she was a good foster mom and she is appalled at the system who used children as pawns and put them at risk to silence those people who speak on their behalf. She has sent her story to legislators, the ombudsman's office, the Attorney General's office, the DCBS' Commissioner, the CHFS Secretary, and the top Cabinet attorneys. Ms. Krank has not received any response. Ms. Krank became a foster parent to be a voice for the forgotten and DCBS has attempted to silence her but she will not be silenced. Ms. Krank stated that there needs to be accountability for the system that fails to listen.

Adjournment

There being no further business, the meeting was adjourned at 12:08 PM.

INTERIM JOINT COMMITTEE ON ECONOMIC DEVELOPMENT AND WORKFORCE INVESTMENT

Minutes of the 6th Meeting of the 2020 Interim

November 20, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Economic Development and Workforce Investment was held on Friday, November 20, 2020, at 8:30 AM, in Room 171 of the Capitol Annex. Representative Russell Webber, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Russell Webber, Co-Chair; Senators Karen Berg, Rick Girdler, Denise Harper Angel, Jimmy Higdon, Wil Schroder, Reginald Thomas, and Max Wise; Representatives Kim Banta, Lynn Bechler, John Blanton, Kevin D. Bratcher, R. Travis Brenda, McKenzie Cantrell, Daniel Elliott, Chris Freeland, Al Gentry, Kathy Hinkle, Thomas Huff, Nima Kulkarni, Savannah Maddox, Jason Petrie, Bart Rowland, Ashley Tackett Laferty, and Buddy Wheatley.

Guests: Lee Lingo, President, Kentucky Association of Manufacturers; Jena Scott, Communications Manager, Kentucky Association of Manufacturers; Larry Hayes, Interim Secretary, Cabinet for Economic Development; Jeff Taylor, Commissioner, Department for Business

Development; Kristina Slattery, Executive Director, Office of Business and Community Services; Larry Roberts, Secretary, Labor Cabinet; Buddy Hoskinson, Interim Executive Director, Office of Unemployment Insurance.

LRC Staff: Andrew Manno, Audrey Ernstberger, Drew Baldwin, and Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 29, 2020, meeting was made by Representative Chris Freeland, seconded by Co-Chair Danny Carroll, and approved by voice vote.

Update on Manufacturing in Kentucky

The Kentucky Association of Manufacturers (KAM) has served as the leading advocate for manufacturing interests in the Commonwealth since 1911, and its mission is to create, support, and protect a manufacturing friendly environment through advocacy; workforce development; education and training; and cost saving benefits for its members. KAM represents over 400 Kentucky businesses that are vital to the state's economic success. Manufacturing represents over \$38 billion in annual gross domestic product and more than 250,000 employees in the Commonwealth as of February 2020. The weighted average wage in the manufacturing sector is \$23.52 an hour or \$48,922 annually. KAM has created several initiatives to promote the future of manufacturing including *Be Pro Be Proud*, which helps to combat today's growing skills gap by providing hands-on experience through a live and interactive program; *Kentucky Manufacturing Going Pro Signing Day*, which is a partnership with the Kentucky Community and Technical College System (KCTCS) designed to highlight KCTCS college graduates in advanced manufacturing programs; and a partnership with the Work Ready Scholarship Program.

Though many manufacturers remained open through COVID-19 business closures, the industry has been heavily impacted. In April 2020, manufacturing employment plummeted to 197,000 statewide, down from March 2020's near all-time high of 251,000. However, by June 2020, the manufacturing sector had increased to 233,000 employees. The quick rebound can likely be attributed to increased demand for products needed for do-it-yourself and stay-at-home work; the Paycheck Protection Program loans keeping businesses open; an increased demand for local supply chains; and the retooling and refocusing of manufacturers to meet the nation's demand for personal protective equipment. KAM advocated for state manufacturers to be considered essential businesses and worked with the Governor's administration to maintain the largest economic driver in Kentucky's economy as a fully functioning and safe sector while adapting to stringent guidelines.

Answering a question from Co-Chair Danny Carroll, Lee Lingo, the President of the Kentucky Association of Manufacturers, explained that automated machines are now performing jobs that the industry could not find people to do. Several high level

employers across the state are utilizing automated machines and new technology to solve problems that are related to the lack of people in the workforce.

Replying to Co-Chair Russell Webber, Mr. Lingo stated that the KAM is supportive of employment of those who are re-entering the workforce.

Addressing Representative Kim Banta, Mr. Lingo indicated there is a marketing challenge in the manufacturing industry. Some people are not aware of the opportunities in the industry, and smaller companies do not have the resources or funding to market themselves.

Responding to a question from Senator Jimmy Higdon, Mr. Lingo said that many manufacturing companies have a beneficial working relationship with the Kentucky Workforce Innovation Board.

Answering a question from Representative Lynn Bechler, Mr. Lingo stated that KAM has about 400 companies that are members of its association with most having 25 employees or less.

Replying to Co-Chair Danny Carroll, Mr. Lingo explained that the challenge of daycare has been a topic of discussion for a long time but was pushed to the forefront during the COVID-19 pandemic.

Cabinet for Economic Development Update

The Cabinet for Economic Development (CED) has a marketing mission to attract corporate investment and create well-paying jobs across the Commonwealth. The CED markets to both, generates leads directly, and creates brand awareness which helps land projects over time. Marketing strategies include target market webinars, recruitment campaigns, lead-gen campaigns, consultant outreach, and international marketing. Digital, print, and sponsored article advertising in strategic publications are utilized. There is also continuous improvement in websites and social media such as LinkedIn and the CED's homepage. Office research is also performed by staff to identify target companies, analyze economic trends, manage statewide available sites, and survey target industry businesses.

Answering a question from Representative Kevin Bratcher, Jeff Taylor, Commissioner of the Department for Business Development, stated minimum wage is not a topic of discussion with prospective businesses because most of those companies have high paying jobs.

Replying to Representative John Blanton, Commissioner Taylor confirmed that the list of available building-ready sites on the CED's website are rotated regularly. The CED has an online searching tool that allows a person to search for a building, site, or more detailed information about potential locations. In response to a follow up, the Commissioner said that even when companies want to establish themselves in a specific location, the CED does promote locating in other areas of the state as options.

Addressing comments made by Senator Jimmy Higdon, Commissioner Taylor pointed out that soldiers leaving the military have very transferable skills and that the CED would try to do a better job

of marketing the locations around state military bases.

Senator Reginald Thomas made remarks regarding being a proponent of increasing the minimum wage.

Unemployment Insurance Update

The Secretary of the Labor Cabinet, Larry Roberts, gave an overview of unresolved unemployment insurance claims as of November 18, 2020. These claims are either still in the process of being investigated or require action from the claimant. There are 654 unresolved initial March unemployment insurance claims which includes 323 that are awaiting claimant action. For the month of March, over 146,000 claims have been approved and paid. There are 10,879 unresolved initial April unemployment insurance claims which includes 3,470 that are awaiting claimant action. For the month of April, over 247,000 claims have been approved and paid. There are 13,265 unresolved May claims which includes 5,446 that are awaiting claimant action. For the month of May, over 45,000 claims have been approved and paid. There are 13,431 unresolved June claims which includes 5,446 that are awaiting claimant action. For the month of June, over 18,000 claims have been approved and paid. For the month of July, there are 13,936 unresolved claims with 6,352 awaiting claimant action. For the month of August, there are 13,265 unresolved claims with 2,157 awaiting claimant action. For the month of September, there are 12,153 unresolved claims with 964 requiring action. For the month of October, there are 14,443 unresolved claims with 1,398 requiring action.

The Interim Executive Director of the Office of Unemployment Insurance, Buddy Hoskinson, gave an update on the Lost Wages Act (LWA) and explained the common reasons for an unemployment insurance claim to be under investigation. The Labor Cabinet has submitted an application to the Federal Emergency Management Agency (FEMA) I order to obtain grant funds to pay claimants who are found eligible for the LWA upon "forced" self-certification and upon appeal. These distributions have begun and will continue until November 24, 2020. Appeal payments will start November 23, 2020 and will run until the end of 2020. Director Hoskinson stated that common reasons for unemployment insurance claims being under investigation include employer protest, identification verification issues, missing information, failure of the claimant to timely claim benefits, past unemployment issues, and filing of multi-state claims.

The deficit of the Unemployment Insurance Trust Fund is \$486,853,492.69 and interest will begin accruing January 1, 2021. The U.S. Treasury will not take action to collect the loan until January 1, 2023. When a state has an outstanding loan balance on January 1 for two consecutive years and does not repay the full amount of its loan by November 10th of the second year, the Federal Unemployment Tax Act (FUTA) credit rate will be reduced each year until the loan is repaid. The Governor has committed to putting at least \$200 million of remaining funds from the

CARES Act into the UI Trust Fund at the end of 2020.

Answering a question from Co-Chair Russell Webber, Executive Director Buddy Hoskinson explained that the FEMA LWA was a first come first serve allotment that required an application. Kentucky has applied and been approved for the funding twice. The LWA funding has been applied for through FEMA for the third time and is awaiting approval. In response to a follow up, Secretary Larry Roberts indicated that the Labor Cabinet has been in communication with vendors through an RFP that will assist with upgrades to the UI system.

Replying to Senator Reginald Thomas, Director Hoskinson stated the Labor Cabinet is preparing staff and working with the Governor's Office to handle a possible influx of unemployment claims in the coming months. Secretary Roberts added that \$4.8 million of CARES Act funding was allotted for system upgrades that will be completed by the end of the year.

Addressing Co-Chair Danny Carroll, Secretary Roberts said the oldest claims have been given priority, and there are times that a claim is not being fully processed due to missing information or action needing to be taken by the claimant.

There being no further business, the meeting adjourned at 10:25 a.m.

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 6th Meeting of the 2020 Interim

November 12, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Education was held on Thursday, November 12, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Regina Huff, Co-Chair; Senators David P. Givens, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Michael J. Nemes, Reginald Thomas, Johnny Ray Turner, Stephen West, and Mike Wilson; Representatives Kim Banta, Tina Bojanowski, R. Travis Brenda, Randy Bridges, Jeffery Donohue, Jim Glenn, Mark Hart, Scott Lewis, Mary Lou Marzian, C. Ed Massey, Bobby McCool, Reginald Meeks, Kimberly Poore Moser, Melinda Gibbons Prunty, Steve Riley, John Sims Jr, James Tipton, Russell Webber, Richard White, and Lisa Willner.

LRC Staff: Jo Carole Ellis, Yvette Perry, Joshua Collins, Maurya Allen, and Christal White.

Approval of Minutes – October 20, 2020

On a motion by Senator West and a second by Senator Meredith, the minutes of the October 20, 2020, meeting were approved by voice vote.

2021 BR 176, A Joint Resolution Relating to Accountability

Presenting the joint resolution relating to

accountability were Representatives Tina Bojanowski and Kim Banta.

Representative Bojanowski discussed end-of-year school assessments for students for measuring school accountability. The proposed joint resolution encourages the Commissioner of KDE to form a committee requiring accountability measures that drive instruction.

Representative Bojanowski said Kentucky requires more testing than the federal law requires. She provided a breakdown of required testing in Kentucky for each subject by elementary, middle, and high school levels compared to requirements for federal testing. Kentucky requires elementary and middle school students be tested for reading and math in grades 3 and 5 and in grades 6 and 8, while high school testing for the same subjects is limited to one-time testing, the same as required at the Federal level. Kentucky requires one-time testing in science, social studies, on-demand writing, editing and mechanics in elementary, middle, and high schools, while federal testing is not required on these subjects. In Kentucky, college admissions testing is required in grades 10 and 11.

KDE estimated \$21 million of their budget is spent on assessment and accountability testing. Representative Bojanowski said that Jefferson County spends \$5 million on testing and accountability. Early language learner testing and kindergarten screening costs were not included in the budget numbers.

Representative Bojanowski expressed concerns with the current system of focusing on how students will do on end-of-the-year tests. She said we must be cognizant of addressing the issue to determine if education funds spent actually drive value and enable students to become productive members of society. The concerns include test-based instruction; more requirements in Kentucky than the federal government, additional testing in districts along with state and federal required assessments, delayed receipt of scores until the next academic year; testing not providing information with informed instruction; testing that does not value student performance beyond standardized testing; and testing that does not incentivize rich and diverse learning opportunity and does not value student performance beyond standardized testing. Representative Banta said only mandatory testing is included in the recommendations and would in no way interfere with a district's decision to require more tests approved by the board and superintendent.

Representative Banta suggested the Commissioner of Education convene a strategic Assessment and Accountability Committee to examine flexibility in federally-required assessments that can provide opportunities and improve the current approach to assessment and accountability. In 2015, an update to the education law specifically gave states some flexibility in the assessment and accountability process. Recommended appointments for the committee should include the Commissioner

of Education; teachers in language arts, math, science, social studies, special education, and career and technical education; two school principals; two school superintendents; a school board member; and a public school parent. The committee reports would be presented to the IJCE by December 1, 2021, and by December 1, 2022.

Representative Banta said possible outcomes of the Assessment and Accountability Committee should include, but not be limited to, replacing single summative assessments with a series of interim assessments, reducing emphasis on high-stakes standardized testing, incorporating alternative performance measures, utilizing the universal design for a learning approach, considering a computer adaptive criterion-referenced test, restricting the number of classroom hours to state and district required testing, and improving the ability of state required assessments to drive meaningful and individualized student instruction.

Responding to a question by Representative Tipton, Representative Bojanowski said MAPP testing scores are received within 24 hours and aid in driving instruction standards for children requiring help in specific subject areas. MAPP is an integrated test of four academic skills (critical thinking, reading, writing, and mathematics) and measures these skills in three contexts: humanities, social sciences and natural sciences.

In response to a question by Senator West, Representative Bojanowski said her research incorporated results from other states and the impact on student achievement.

Responding to a question from Senator Thomas about computer adaptive testing, Representative Banta said students are given questions, and their responses determines the level of testing required. In response to a follow-up question, Representative Bojanowski said some states have restrictions on what percentage of time in the classroom is used for testing. She said the suggestions provided are just a starting point for the committee.

Representative Riley suggested that a representative and senator be added to the makeup of the Accessibility and Accountability Committee. Referring to student accountability, Representative Riley said SAT and ACT scores impact scholarships and school choices and encouraged all students to take the test while the information is still fresh, as future plans and job markets are ever-changing.

In response to a question from Representative Gibbons Prunty, Representative Bojanowski said testing should include general knowledge of standards as opposed to only general knowledge. Representative Gibbons-Prunty said veterans maintain students do not have a good understanding of history and believes social studies and updated history should be included.

Responding to a question from Senator Meredith, Representative Bojanowski said discussions with Mr. Glass and KDE are forthcoming.

Representative Moser questioned if standardized

testing encourages synchronized learning. She said common sense, teacher flexibility, teaching style, and creativity are important. Representative Banta said adjustments can be made as to how classes are taught among students, and elected board members should allow districts the flexibility to meet student needs.

Representative Huff said measures for statewide assessment are needed to allow students and parents a way to gauge success. She said teachers are limited, and balance is necessary to find a way to hold teachers and students accountable to determine where we stand. Representative Bojanowski said federal requirements will continue to be met.

Senator Wise said funding is important and necessary.

Early Literacy Initiatives

Senator Stephen West and Representative James Tipton filed companion legislation last year, Senate Bill 214 and House Bill 488, regarding early literacy initiatives. The bills were presented before the Senate and House Education Committees, for discussion only. Due to 2020 being a budget session and as a result of restrictions placed due to COVID-19, the legislation was not passed out of committee.

Representative Tipton said limited resources make a difference in educational outcome. Statistics show a child not reading by grade 4 will have challenges throughout life.

Senator West said he is convinced this initiative with the proper funding is the best way to improve Kentucky's standing and reduce achievement gaps. Statistics from March determined out of 693 Kentucky elementary schools, only 139 were in the novice category and 92 of the lowest-performing schools did not receive grants. He said uniformity and expansion of the Read to Achieve Program is needed across the state, especially to help with transient students.

Presentations on early literacy initiatives were provided by Rhonda Sims, Associate Commissioner, KDE; Dr. Thomas Woods-Tucker, Deputy Commissioner, KDE; Micki Ray, Policy Advisor, KDE; and Brigitte Blom Ramsey, President & CEO, Prichard Committee for Academic Excellence.

The Kentucky Performance Rating for Educational Progress (K-PREP) testing results are divided into four performance levels as novice, apprentice, proficient, and distinguished. Scores determined a slight decline of all students scoring proficient and distinguished from 2015 to 2016, a slight increase in 2017, and a slight decline in 2018 and 2019. Over the past five years, approximately 118,000 students were not proficient readers upon leaving Grade 3. Research indicates those students are four times less likely to finish high school.

Ms. Sims said the National Assessment of Education Progress (NAEP) state data results over the last five years results revealed a downward trend in Grade 4 reading results. Based on 2018-2019 data, Kentucky ranked 23rd in the nation, and 33 percent of the students scored below basic on the Grade 4 reading assessment. The Read to Succeed Act includes specific

policy changes that can be made now as first steps in a long-term effort to improve learning outcomes for all students. Ms. Sim's said policy changes are needed for improvement.

Ms. Ray said the Read to Succeed Act, proposed through Senate Bill 214 and House Bill 488, are comprehensive actions to improve early literacy outcomes. Included are early intervention and high-quality instruction, reading improvement plans, family and community engagement, teacher certification, and state professional learning support strategies.

Ms. Ray provided an overview of the proposed legislation and mentioned that Section 1 clarifies the legislative intent for reading in all elementary schools. These include a multi-tiered system of support; instruction provided by qualified individuals; evidence-based reading instruction that emphasizes phonemic awareness, phonics, fluency, vocabulary, and comprehension; and collaboration with the Governor's Office of Early Childhood, Kentucky Educational Television (KET), and the Kentucky Department of Libraries and Archives.

Section 2 changes impact the intervention process. The suggested changes clarify the process for developing an improvement plan to help accelerate student learning and overseeing individualized standard reading plans; establish the selection of and training on the administration and use of universal screeners and diagnostic assessments and support guidance in the selection of measures; and engage parents in the decision process and provide information to families to promote literacy in the home.

Section 3 creates a new chapter in KRS 164 requiring educational preparation programs for interdisciplinary early childhood education or elementary education to include evidence-based reading instructional programming and assessment processes and programs. The Education Professional Standard Board (EPSB) will maintain a list of approved reading teacher preparation tests to evaluate reading instruction knowledge and skills. Teacher candidates must successfully pass an approved reading instruction test.

Suggested amendments in Section 4 include repurposing the reading diagnostic and intervention fund to train and support teachers and library media specialists to improve student reading skills in Grades K-3 through statewide professional learning in literacy, early reading instruction, and intervention. Suggested new language creates a literacy coaching program and provides job-embedded expert support and training for teachers in schools with the most need.

Section 5 suggested amendments include repurposing and updating roles of the Read to Succeed Council. The council will advise KDE on universal screeners, reading diagnostic assessments, and a statewide professional development program for K-3 literacy instruction.

Suggested amendments in Section 6 include

the Collaborative Center for Literacy Development (CCLD) advising the Kentucky Board of Education (KBE) regarding evidence-based comprehensive reading instruction. CCLD will collaborate with KDE to develop and implement a comprehensive research agenda evaluating comprehensive reading programs and reading intervention programs.

Dr. Woods-Tucker said two critical points are to engage with superintendents across the Commonwealth and embrace Kentucky's effort to create a safe-haven in school for students and staff. KDE supports and encourages equity, diversity, and inclusion as well addressing social and emotional issues and supports the Kentucky Board of Education's (KBE) establishment of an anti-racism resolution. KDE seeks efforts to improve issues that drive curriculum and education.

Dr. Woods said societal and equity issues in the communities impact schools and working together addresses these issues. He said taking advantage of available community resources by reaching out to business leaders, religious leaders, and the community is essential for success. He said addressing issues of the heart helps students learn on a more in-depth level. Ms. Ray said creating equity for all students across the state is critical.

Representative Bojanowski said K-PREP measures reading and reasoning, paying attention to task, ability to focus for an expanded period of time, and extended assessment of background knowledge. She asked if consideration has been given to utilizing other testing such as the Developmental Reading Assessment (DRA) and the Benchmark Assessment System (BAS) evaluations, which may have a greater impact on the student's ability to read at the appropriate grade level versus K-PREP. She said adding those assessments to the legislation may provide more solid investments in improving literacy. Senator West said the goal is to use caution with adding testing, but he would be open to exploring it if necessary when funding is available. He said it is necessary to find out how elementary teachers are taught at the post-secondary level and provide the best methods for the best outcomes to attain the goal of improving learning and moving more students to the proficient level. Representative Tipton said he is open to conversation regarding assessment to improve the legislation. The goal is how to improve the outcomes for our children.

Senator Thomas said improving early literacy at an earlier age with universal preschool could eliminate the achievement gap. Senator West said ideally parents would teach kids to reach the preschool level and implementing early childhood education funding has been largely affected by the pandemic. Senator West and Representative Tipton agreed the high cost of early childhood education and limited resources should be best utilized by investing the available funds to achieve the best results.

Senator Higdon said the Read to Achieve Program is a good benchmark, with proper funding. He said people at the local level should not be dictated

to or burdened with bureaucracy.

Senator West said the legislation is a life-changing initiative. Kentucky will pay the cost now or later through remediation, an untrained work force, or incarceration for a return on our investment.

Representative Banta said districts are doing well with early childhood education. She said we must be cognizant that requirements for districts to add more professional development hours takes away hours from other duties.

Senator Wilson said investment in reading by grade 3 is critical as students who cannot read cannot succeed. Responding to a question from Senator Wilson, Senator West said the proposed committee substitute discussed during the 2020 session is the product to begin with, but work with the Prichard Committee and educational stakeholders will determine the final bill introduced.

Ms. Ramsey said the objective of the Prichard Committee is to recommend and elevate policies and practices that support teachers, both pre-service and in the classroom, and deliver instruction that will ensure every student achieves proficiency in reading and mathematics by the end of Grade 3.

The Prichard Committee Working Group Task Force, comprised of legislative members, state education leaders, K-12 school and district leaders, university leaders, and college students, began meeting in August with a goal of meeting six times through December.

In response to a question from Senator Wise, Ms. Ramsey said input from pre-service teachers and educators indicate they have reached out to many teachers across the state, and teacher input is extremely important.

Senator Nemes said many felons are unable to read and reminded the committee that incarceration is a huge cost to the taxpayers.

Representative Riley said literacy is important and teachers cannot adequately teach through online instruction. When parents lack resources, he said virtual learning disproportionately impacts low income students and will impact long-term issues. Representative Riley said many students are disengaged in virtual learning due to broadband access or influences at home.

Representative Tipton thanked the committee and offered to get input from stakeholders.

There being no further business before the committee, the meeting adjourned at 12:00 p.m.

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 6th Meeting of the 2020 Interim

November 19, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Thursday, November 19, 2020, at 1:00 PM, in Room

171 of the Capitol Annex. Senator Ralph Alvarado, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ralph Alvarado, Co-Chair; Representative Kimberly Poore Moser, Co-Chair; Senators Tom Buford, Danny Carroll, David P. Givens, Denise Harper Angel, Alice Forgy Kerr, Morgan McGarvey, Stephen Meredith, and Max Wise; Representatives Danny Bentley, Tina Bojanowski, Adam Bowling, George Brown Jr, Tom Burch, Daniel Elliott, Deanna Frazier, Robert Goforth, Scott Lewis, Mary Lou Marzian, Melinda Gibbons Prunty, Josie Raymond, Steve Riley, Steve Sheldon, Cherlynn Stevenson, Nancy Tate, Russell Webber, and Lisa Willner.

Guests: Diane (Schirmer) Gutierrez, Chairperson, Kentucky Chapter, Brain Injury Association of America; Christa Bell, Director, Division of Protection and Permanency, Department for Community Based Services, Cabinet for Health and Family Services; Wendy Morris, Commissioner, Dr. Allen Brenzel, Director, Patti Clark, Program Administrator, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services; Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services; Julie Brooks, Policy Specialist, Department for Public Health, Cabinet for Health and Family Services; Donna Little, Deputy Executive Director, Office of the Secretary, Cabinet for Health and Family Services; Sheila A. Schuster, Ph.D. Licensed Psychologist, Executive Director, Kentucky Mental Health Coalition; Tim Clement, MPH, Director of Legislative Development, American Psychiatric Association; and DJ Wasson, Deputy Commissioner, Department of Insurance, Public Protection Cabinet.

LRC Staff: DeeAnn Wenk, CSA, Ben Payne, Chris Joffrion, Samir Nasir, Becky Lancaster, Hillary Abbott, and Shyan Stivers.

Approval of Minutes

A motion to approve the minutes of the October 28, 2020, meeting was made by Senator Buford, seconded by Representative Frazier, and approved by voice vote.

Consideration of Referred Administrative Regulations

The following referred administrative regulation with amendments were placed on the agenda for consideration: **201 KAR 002:311 Proposed** - Compounding drugs for veterinary use; **201 KAR 009:016 Proposed** - Restrictions on use of amphetamine and amphetamine-like anorectic controlled substances; **201 KAR 009:200 Proposed** - National Practitioner Data Bank Reports; **201 KAR 009:210 Proposed** - Criminal background checks required for all new applicants; **201 KAR 009:230 Proposed** - Required registration in the KASPER System; legal requirements for prescribing controlled substances in the Commonwealth

of Kentucky; enforcement; **201 KAR 009:240 Proposed** - Emergency orders and hearings; appeals and other proceedings, **201 KAR 009:260 Proposed** - Professional standards for prescribing, dispensing, and administering controlled substances; **201 KAR 009:360 Proposed** - Continuing education requirements for physician assistants; **201 KAR 021:041 Proposed** - Licensing; standards, fees; **201 KAR 021:042 Proposed** - Standards, application and approval of continuing education courses; **201 KAR 021:095 Proposed** - Licensure, registration, and standards of persons performing peer review; **902 KAR 004:110 Proposed** - Abortion information; **902 KAR 050:010 Proposed** - Definitions for milk and milk products; **902 KAR 050:031 Proposed** - Standards for producer eligibility for manufacturing grade milk; **902 KAR 050:032 Proposed** - Standards for farm requirements for manufactured grade milk; **902 KAR 050:033 Proposed** - Standards for enforcement procedures for manufactured grade milk; **902 KAR 100:012 Proposed** - Fee schedule; **907 KAR 001:604 Emergency** - Recipient cost-sharing (Deferred from 10/28/2020); **907 KAR 001:604 Proposed** - Recipient cost-sharing (Deferred from 10/28/2020); and **922 KAR 001:330 Proposed** - Child protective services. Questions and comments regarding 907 KAR 001:604 Emergency, were asked by Senators Alvarado and Meredith. Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, and Donna Little, Deputy Executive Director, Office of the Secretary, Cabinet for Health and Family Services testified and agreed to send a letter for the withdrawal of 907 KAR 001:604 Emergency. Questions and comments regarding 902 KAR 004:110 Proposed, were made by Representative Gibbons Prunty and Senator Alvarado. Julie Brooks, Policy Specialist, Department for Public Health, Cabinet for Health and Family Services, testified regarding 902 KAR 004:110 Proposed.

Brain Injury Waiver Update

Diane (Schirmer) Gutierrez, Chairperson, Kentucky Chapter, Brain Injury Association of America, stated that falls are the leading cause of non-fatal traumatic brain injury (TBI). Falls also contribute to 24 percent of all TBI related deaths. She stated that 84 percent of TBI related fall fatalities were adults over 65 years of age. In 2019, hospitals billed for over \$322 million in charges associated with TBI in Kentucky. Each week, there are 224 emergency department visits, 63 hospitalizations, and 18 deaths due to TBI among Kentucky residents. The cause of TBI varies across with three levels of severity. Suicide was the leading cause of TBI, among those who died where TBI was reported as the cause of death on the death certificate. TBIs are often treated and released from the emergency departments. In 46 percent of fatal TBI cases, firearms were the leading cause of death, with 7 out of 10 were deemed suicides.

Ms. Gutierrez stated that information regarding Acquired Brain Injury (ABI) waivers was gathered

through careful review of the current waivers in Kentucky, review of other state waivers for brain injury, discussion with Brain Injury Association of America (BIAA), the American Congress of Rehabilitation Medicine, the American Academy of Physical Medicine, and the Rehabilitation review of the Commission of Accreditation of Rehabilitation Facilities standards. The costs to society affects two areas. First are the costs for the reduction or loss of productivity, the loss of earning potential, payment of taxes, and the reinvestment of earnings into the economy. The second cost to society involves the insufficient or inappropriate diagnosis, treatment, and care that result in emotional and behavioral disorders, psychiatric hospitalizations, substance misuse, and loss of relationships, criminal activity, and homelessness.

Ms. Gutierrez stated that the recommended changes to the ABI waivers are: to expand acute slots for medically complex and neurobehavioral-challenged individuals with programs and rates adjusted on individual needs; to change the definition of brain injury to encompass all types of acquired brain injuries including stroke, and to not exclude individuals because of substance misuse or mental health issues; to add clinical expertise within the Acquired Brain Injury Branch (ABIB) to assess a candidates for service; to provide guidance and expertise to waiver providers to help Kentucky stay current with evidence-based brain injury rehabilitation practices; to conduct standardized and consistently applied audits across providers; and to add the Academy of Certified Brain Injury Specialists (ACBIS) training model, curriculum, and competencies. She stated that TBI is a medical model, the plan of care is the central plan developed at admission and runs through discharge in rehabilitation programs across the country. The model incorporates initial and ongoing assessments completed by team members addressing behavioral, cognitive, communication, cultural, educational, functional, recreational, medical, physical, psychological, sexual, social, spiritual, vocational domains, important life events and life experiences, routines, decision making capacity and the usability of the living environment. The goals for the TBI patient are established from these domains with input from the person served, family or guardian, or their circle of support.

Ms. Gutierrez stated that there is a need for appropriate measurable, realistic goals that can result in an anticipated outcome. Providers should have a consistent method of reporting program evaluation data and patient outcomes. Adult day treatment should be a combination of structured therapy services and community-based programming. Often working with the TBI person in their typical environments help anchor skills not learned in group settings. Individual supportive counseling and psychotherapy is recommended for the TBI person served and family to rebuild relationships, work, intimacy and self-esteem. Resource Facilitation is a means of helping

an individual achieve their avocational or vocational outcomes. TBI participants do not follow the same model as other disability categories. TBI participants may be a smaller group but often present with more substantial medical, cognitive, and behavioral challenges. She stated that it is time to design quality services that meets the needs of Kentuckians who are affected by brain injury.

Update on Child Welfare

Christa Bell, Director, Division of Protection and Permanency, Department for Community Based Services (DCBS), Cabinet for Health and Family Services (CHFS), stated that in October 2020, there were 9,383 children in the custody of or committed to CHFS. DCBS' priorities for youth in out-of-home care are: to ensure that children are maintained safely in the least restrictive setting whenever possible; that children are receiving quality services and achieve permanency timely; and to improve services and outcomes for older youth who transition from care upon turning 18 or 21 for youth who choose to extend commitment. She stated that children are kept in the least restrictive setting by: the expansion of in-home services to prevent entry into care; an improved relative service array; increasing the availability of quality foster homes that allow children to remain in their schools and communities; increasing placement stability; and by reducing the use of congregate care. She shared a graph that displayed the number of DCBS and private foster homes. As of October 2020, there were 5,548 foster homes in Kentucky.

Ms. Bell stated that the number of children in the custody of or committed to CHFS in private residential settings, 799, is the lowest number since 2014. DCBS continues to focus on recruitment and retention of qualified staff to maintain manageable caseloads. DCBS continued the exploration of performance based contracting measures to include in contracts with providers. DCBS is focusing on placement stability and working to ensure that children in care achieve permanency timely. She shared a graph that shows the average number of child protective services (CPS) caseload. The average number of CPS cases per worker not at full capacity with past due cases from January 2020 to July 2020, is 27 cases. The next graph showed the number of adoptions per year for state fiscal year (SFY) 2015 to SFY 2020. DCBS increased the number of adoptions finalizations in SFY 2019 and SFY 2020. In SFY 2020, there were 1293 finalized adoptions. The average number of months to permanency for all exit reasons from DCBS is 17.9 months. Ms. Bell stated that the time increased in SFY 2020 because of the impacts from the COVID-19 pandemic.

Ms. Bell stated that placement stability was added as a performance based measure to agreements with private child placement agencies. DCBS staff are working with agencies and tracking progress on placement stability. DCBS is partnering with other entities to find adoptive homes for waiting children, most recently the Head Start program. There are 302

children registered with Kentucky Adoption Profile Exchange (KAPE), and can be viewed at <https://prd.webapps.chfs.ky.gov/kape/>. DCBS has expanded the prevention services such as Kentucky Strengthening Ties and Empowering Parents (KSTEP) program through partnerships and grant opportunities. In 2018, DCBS created a transitional services branch to focus on ensuring that the needs of older youth in foster care are met. DCBS staff is working to identify committed lifelong supports for youth who leave state custody. DCBS partnered with youth villages to bring Lifeset to Kentucky. Lifeset is an evidence based intensive case management program implemented on July 1, 2020. Kentucky was one of 25 jurisdictions that was invited to participate in a Youth Engagement Summit at a national level.

Ms. Bell shared the impacts from the COVID-19 pandemic. Monthly caseworker visits were conducted via videoconferencing platforms. Face to face visits were still required if there were any safety concerns or a family was in crisis. Face to face parent and child visitation resumed in a phased approach with additional health and safety measures in place. Foster parent trainings are conducted via videoconferencing platforms. The Just in Time training platform for foster and adoptive parents launched in March 2020. The court closures caused reduced entries into care and exits from care. The reopening of courts and increased use of virtual hearings increased the achievement of permanency for children. DCBS requested and received federal waiver for fingerprinting requirements in order to continue approving foster families. DCBS made efforts to ensure no youth has to leave state custody at age 18 or 21 during the state of emergency.

Ms. Bell shared a chart that displayed the number of intakes with allegations of child abuse and neglect by month comparing 2019 and 2020. The next chart showed Kentucky's data with regard to substantiation rates for SFY 2020 by reporting sources. Social services personnel had the highest of percentage of allegation substantiations and school personnel had the lowest percentage of reports that were substantiated. She stated that because of the concerns for reduced reporting, DCBS partnered with Prevent Child Abuse Kentucky (PCAK) to develop a training specific to reporting maltreatment during COVID-19, including what to look for using virtual platforms. Additional information has been shared through the Department of Education and Kentucky School Board Association related to reporting maltreatment and resources available for families.

Ms. Bell stated that the plan to build a 21st century DCBS consists of three phases. The first phase is a stabilization phase, the second phase is an innovation phase and the third phase is the thriving phase to sustain the positive changes made within DCBS. There are also five pillars in the plan to rebuild DCBS. She shared that pillar two is about resiliency and secondary trauma, which is an important focus for the DCBS staff to maintain a healthy workforce.

In response to questions and comments from Senator Alvarado, Ms. Bell stated that the pandemic electronic benefits transfer (PEBT) cards were intended for children who are eligible for free or reduced lunches. The PEBT benefits were issued because schools were virtual.

In response to questions and comments from Representative Burch, Ms. Bell stated that including foster children placed with relatives, there are 130 Kentucky children in out-of-state care. There are 10 or less children placed out-of-state care for treatment purposes in psychiatric facilities. DCBS focused on this number because four to six years ago there were more than 100 children who were placed out-of-state for treatment purposes. The children placed in out-of-state care are counted in the total of number of children in out-of-home care in Kentucky.

In response to questions and comments from Representative Moser, Ms. Bell stated that the KSTEP program was piloted by DCBS under the Title IV-E demonstration project. KSTEP is similar to the START program. The START program focuses efforts on children ages 5 and under. The KSTEP serves additional children up to the age of 10 and is focused on providing evidence-based practices to families who may struggle with substance use issues. KSTEP is an intensive program that is aimed at keeping children safe in their homes. The services are delivered in partnership with DCBS community mental health agencies. KSTEP is more than 93 percent effective. KSTEP is focused on prevention and the services are provided to families so the children do not come into out-of-home care. A foster parent or out-of-home care providers are not involved with the family. Ms. Bell stated that in regards to children in out-of-home care, DCBS has staff who are tracking progress on placement stability. DCBS has that as a performance based measure in the private child placing agreement. DCBS partners have made improvements such as updating the home study model to ensure they are providing better quality services to the children in out-of-home care.

Mental Health Update

Wendy Morris, Commissioner, Department for Behavioral Health, Developmental and Intellectual Disabilities (DBHDID), Cabinet for Health and Family Services, stated that the impact of COVID-19 on DBHDID facilities has been significant. DBHDID operates or oversees the operations of multiple facilities. The census in the facilities has remained relatively stable. The average daily census is 800 people. DBHDID temporarily suspended admissions at two psychiatric facilities due to COVID-19. The Community Mental Health Center (CMHC) crisis and diversion services created enhanced crisis and diversion services. DBHDID had four deaths related to COVID-19. Staffing challenges remain a critical issue. CMHC partners serve over 165,000 individuals per year with an increased demand for crisis services. Telehealth has been crucial for access to services. DBHDID administers the Supports for Community

Living (SCL) Medicaid waiver and oversees health, safety, and welfare of almost 4,900 individuals in small, community residential settings. There have been 113 SCL waiver participants who tested positive for COVID-19 and three deaths.

Commissioner Morris stated that DBHDID is focusing on trauma and secondary trauma. The COVID-19 pandemic and racial inequity have tremendous impact on resilience and well-being. DBHDID is working to raise awareness, provide resources and tools, and helped coach on how to build resiliency. DBHDID has weekly meetings with all the SCL providers to give information, interpret the guidance that comes from various sources, and to provide emotional support. She shared a graph that displayed the number of Kentucky resident drug overdose deaths from January 2017 to August 2020 by month. The number of drug overdose deaths are trending downward but are still very high. Kentucky is in the midst of an opioid epidemic and access to substance use disorder treatment continues to be important. The Kentucky Opioid Response Effort (KORE) serviced 35,469 individuals who received opioid use disorder treatment or recovery services. She stated that 53,509 free naloxone kits were distributed through KORE. The SFY 2019 Kentucky Medicaid core set measure shows the percent of adults who initiated treatment for opioid abuse, alcohol, or other drug dependence scored above the national rates. The higher rates shows how Kentucky has increased access to services and prevention efforts.

Commissioner Morris shared a chart with the suicide trend numbers in Kentucky from 2015 to 2019 categorized by the age of the decedent. In Kentucky, suicide numbers have been trending downward for the past five years. The DBHDID has been building resiliency and enhancing protective factors to try to reduce the number of suicide deaths. DBHDID is working to increase the capacity and the number of behavioral health providers trained to address suicide risk. The DBHDID is seeking additional partnerships between providers to close safety net gaps and improving surveillance to create real-time responses. She stated that the DBHDID needs continued and sustainable funding. The DBHDID wants to enhance the public behavioral health safety net. The DBHDID supports the continued expansion of telehealth services.

In response to questions and comments from Senator Alvarado, Commissioner Morris stated that the suicide rates are up in some communities and down in other communities. The graph in the presentation is a statewide total number of suicides. Patti Clark, Program Administrator, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services, stated that the DBHDID is not seeing an increase in number of attempted suicide.

Discussion of 2021 Regular Session Prefiled Bill Request 61

Representative Kimberly Poore Moser stated

that mental health issues often underlies other health conditions, addiction, and social conditions if left unchecked or untreated. Kentucky continues to see problems with addiction and overdoses related to substance misuse. Kentucky sees the harm created by restricting coverage for mental health conditions as compared with other medical and surgical conditions. The 2021 Regular Session Prefiled Bill Request (BR) 61 legislation requires insurers to audit its procedures for deciding nonquantitative treatment coverage and limitations for all health conditions. The Department of Insurance has the expertise to assist insurers in compiling the information for an annual report.

Sheila A. Schuster, Ph.D. Licensed Psychologist, Executive Director, Kentucky Mental Health Coalition, stated that there have been problems with equality in coverage for behavioral health or mental health, and substance use disorders for many years. The Medicaid program did not cover substance use disorders for anyone, other than pregnant women or youths served through early and periodic screening, diagnosis and treatment (EPSDT), until 2014 when coverage was required by the Affordable Care Act. Stigma is the leading cause for people not to seek treatment for mental health issues. Many people are reluctant to continue treatment because the copays for behavioral health issues care are higher than other health services.

Dr. Schuster stated that in 1998, the behavioral health community began working on legislation to correct the issue. In 2000, Regular Session House Bill 268, AN ACT relating to mental health and substance abuse, was passed. The Kentucky Mental Health Coalition continued to monitor and ensure that insurers were following the parity law. Kentucky, along with the insurers, have continued to struggle to know how to make parity work in terms of the limitations on visits, cost-sharing, and medical network adequacy. In 2018, the American Psychiatric Association took on the issue of parity to bring it to the attention of legislators nationally. The Kentucky Mental Health Coalition is ready to work with legislators and the Department of Insurance to make sure there is full equality for behavioral health. She stated that as a preventive measure to enact this legislation so that people who have coverage have access to services without barriers.

Tim Clement, MPH, Director of Legislative Development, American Psychiatric Association, stated that President George W. Bush signed the Mental Health Parity and Addiction Equity Act into federal law on October 3, 2008. The law was designed to make insurance coverage for mental health and addiction no more restrictive than insurance coverage for other medical conditions. He stated that the concept was simple but the law itself extraordinarily complex. States have jurisdiction over individual and group policies sold by insurers. State and federal regulators consistently find non-compliance with insurers' managed care practices regarding prior authorization and other utilization

controls, provider network design and maintenance, and medication access. Insurers struggle because of how complicated the law is and not intentional non-compliance. In November 2017, President Trump's Opioid Commission recommended that states collect information from insurers about their managed care practices. A key recommendation from the final report was implementation of the federal parity law was that states should collect data from insurers on how they apply the managed care practices and if that complies with the law. The term used in the federal parity law is non-quantitative treatment limitations. The parity law does not cost the state any money.

Mr. Clement stated that BR 61 is not about new coverage but ensuring compliance with the existing law. BR 61 requires insurers to submit comparative analyses about how they design and apply managed care practices for compliance. BR 61 should not be difficult for insurers because the federal parity law is a comparative law. Insurers would not know if they are in compliance without doing comparative analyses. BR 61 is asking insurers to submit work that should already be completed.

DJ Wasson, Deputy Commissioner, Department of Insurance (DOI), Public Protection Cabinet, stated that BR 61 is an issue that DOI starting discussing early in 2020. DOI's review of insurers' practices have been focused primarily on reviewing the benefit language, reviewing the cost-sharing in plans, and responding to consumer complaints. The approach of getting an annual report will allow DOI to do analysis of the business practices of insurers upfront and to compare trends across the marketplace. DOI thinks that BR 61 would be very helpful in its ability to determine compliance.

In response to questions and comments from Representative Gibbons Prunty, Representative Moser stated that BR 61 requires a report and an audit from insurers. BR 61 would not affect payments regarding prescriptions or claw-backs to medication-assisted treatment programs.

Adjournment

There being no further business, the meeting was adjourned at 2:51 PM.

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 6th Meeting of the 2020 Interim

November 18, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Judiciary was held on Wednesday, November 18, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Representative Jason Petrie, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Representative Jason Petrie, Co-Chair; Senators Alice Forgy Kerr, Gerald A. Neal, Michael J. Nemes, John Schickel, Wil Schroder, Robin L. Webb,

Stephen West, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Charles Booker, Kevin D. Bratcher, McKenzie Cantrell, Daniel Elliott, Joseph M. Fischer, Angie Hatton, Samara Heavrin, Nima Kulkarni, Stan Lee, Derek Lewis, Savannah Maddox, C. Ed Massey, Chad McCoy, Patti Minter, Kimberly Poore Moser, Jason Nemes, Brandon Reed, Maria Sorolis, and Rob Wiederstein.

Guests: Bryan Beauman and Professor Russ Weaver.

LRC Staff: Katie Comstock and Yvonne Beghtol.

Approval of the Minutes

Representative Fischer made a motion to approve the October 22, 2020 minutes, seconded by Representative McCoy, and passed by voice vote.

Constitutional Discussion of Religious Liberty

Professor Russ Weaver, University of Louisville School of Law, gave an overview of the First Amendment's clauses pertaining to freedom of religion. The two clauses are the Establishment Clause, which prohibits the government from establishing religion, and the Free Exercise Clause, which gives people the right to freely exercise their religion. Initially these protections only applied against the federal government, but were later extended to the states.

Bryan Beauman, an attorney with Sturgill Turner, reviewed related United States Supreme Court decisions. Mr. Beauman stated that cases examining the Free Exercise Clause and the Establishment Clause are some of the court's most difficult cases. Governments must act neutrally toward religion. Governments cannot single out a religion, religious citizens, or religious beliefs for less than equal treatment. A state or community's closing or reopening plan may apply the same limits to a religious organization as to a secular organization. However, stricter limits cannot be imposed on places of worship than on businesses, unless there is sufficient justification for the difference in treatment.

Mr. Beauman broke the Free Exercise and Establishment Clauses into four categories: 1) laws that expressly discriminate against a religious organization; 2) laws that expressly favor a religious organization; 3) laws that apply equally to secular and religious organizations; and 4) laws that treat a religious organization equally to some secular groups, but worse or better than other secular groups. Recent events have raised questions as to whether the state has placed religious entities in a disfavored category.

Mr. Beauman clarified that the United States Constitution does not require that religious organizations be treated more favorably than a secular organization. However, the United States Constitution does require that religious organizations be treated equally when there is a favorite or exempt secular category, unless the state can sufficiently justify the difference in treatment.

Professor Weaver analyzed Governor Beshear's COVID-19 orders. When there is discrimination

against religion, a court is going to apply strict scrutiny and the law is going to be presumptively unconstitutional. Professor Weaver reviewed the United States Supreme Court's holdings in *Church of the Lukumi Babalu Aye Inc. v. City of Hialeah* and the *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. If mass gatherings are not allowed, then the state can prohibit church services as well as all mass gatherings. But to decide which organizations can or cannot gather is where the problem lies. Consistent social distancing rules, such as requiring those attending church services to wear masks and maintain social distancing, would be permissible if required of all gatherings. The focus is not on prohibiting religion, but on the way in which people interact in public. Professor Weaver stated that earlier in the year decisions were being made about what should be considered essential and not essential. The reality is that some religions believe very strongly in the need to come together, to commune. If they choose to gather in person, the government does have the right to regulate the way in which it occurs, such as requiring the wearing of masks. But to prohibit them from gathering is problematic. Professor Weaver stated that Treasurer Ball's report about the threats being made against churches gave him concern.

Mr. Beauman reviewed four recent lawsuits filed between April and May of 2020. The first case was filed by On Fire Christian Church, the second was filed by Maryville Baptist Church, the third by congregants of the Maryville Baptist Church, and the fourth by Tabernacle Baptist Church. The first lawsuit was filed the Saturday before Easter challenging the city of Louisville's prohibition against worship gatherings being held on Easter Sunday. Courts dealt with restrictions stating churches were not allowed to gather in-person or drive-thru, police would be used to deter and disperse religious gatherings, and asking the community to report any churches attempting to violate these guidelines. Judge Walker granted a temporary restraining order against the city for violating both the First Amendment and the Kentucky state statute regarding religious freedom. The ruling noted that the city's actions were underinclusive due to addressing one type of gathering and not others. The church sought to have a drive-in ceremony for Easter, congregants seated in their cars that would be spaced out. Judge Walker ruled that if churchgoers sitting in their cars posed a danger of spreading the virus then the city should have closed all drive-thrus and parking lots. Judge Van Tatenhove granted a temporary restraining order for the Tabernacle Baptist Church drive-in ceremony, because the church proposed to maintain all of the CDC's requirements. The lawsuits filed by the Maryville Baptist Church and its congregants were moot since the District Court's injunction was still valid and in effect, and the church continued to abide by the restrictions. The Court of Appeals determined that some businesses were allowed to gather and others were not, placing religious organizations in the disfavored category.

During a pandemic, public health officials and government officials have a lot of leeway in the mechanics of how they address and protect public health. However, courts have said there are some constitutional lines that a government official cannot cross even in the midst of a crisis. Constitutional protections against unlawful discrimination also apply.

In response to Chairman Petrie, Professor Weaver stated that scrutiny requires looking at the objective that governmental actions are trying to accomplish, and the means by which they try to accomplish it. Low level scrutiny looks at whether or not the actions are reasonable, and assumes the governmental actions will be upheld. Strict scrutiny assumes the governmental actions are presumptively unconstitutional, considers whether the objective is compelling or overriding, and if the means are the least restrictive possible. Strict scrutiny applies when determining discrimination against religion. Some federal statutes require a higher level of scrutiny for protection of religious liberties. When applied to the states, there was a question as to whether that was an overreach. However, Mr. Beauman added that the Kentucky Religious Freedom Restoration Act sets a higher bar of scrutiny than federal statutes.

In response to Senator Wheeler, Professor Weaver stated that when you have disparate treatment, the court is going to apply strict scrutiny. Mr. Beauman stated that when a restriction is put in place, but exceptions are made, it is going to be difficult for the government to defend the restrictions as constitutionally protected. The focus is on the least restrictive means, or being narrowly tailored. When exceptions are created, it makes it difficult for those laws and regulations to be applied to constitutionally protected activity, no matter what the activity.

In response to Senator Schickel, Professor Weaver stated that the goal of freedom of expression and religious protections is not only to protect mainline or orthodox views, but also to respect what might not be regarded as mainline. There are limits, but the U. S. Supreme Court has made clear that religious beliefs need to be respected. Mr. Beauman added that the protections under state statutes and under the federal constitution apply to all beliefs, no matter how popular the religion.

There being no further business, the meeting adjourned at 11:26 AM.

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 7th Meeting of the 2020 Interim

December 3, 2020

Call to Order and Roll Call

The 7th meeting of the Interim Joint Committee on Judiciary was held on Thursday, December 3, 2020, at 10:00 AM, in Room 149 of the Capitol Annex. Senator Whitney Westerfield, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Representative Jason Petrie, Co-Chair; Senators Danny Carroll, Alice Forgy Kerr, Gerald A. Neal, Michael J. Nemes, John Schickel, Wil Schroder, Robin L. Webb, Stephen West, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Charles Booker, Kevin D. Bratcher, McKenzie Cantrell, Daniel Elliott, Joseph M. Fischer, Chris Harris, Angie Hatton, Samara Heavrin, Nima Kulkarni, Derek Lewis, Savannah Maddox, Chad McCoy, Reginald Meeks, Patti Minter, Kimberly Poore Moser, Jason Nemes, Brandon Reed, Maria Sorolis, and Rob Wiederstein.

Guests: Jennifer Hancock, Libby Mills, Sheryl Snyder, Secretary Mary Noble, Robyn Bender, and Commissioner Lisa Lamb.

LRC Staff: Katie Comstock and Yvonne Beghtol.

Approval of the Minutes

Representative Moser made a motion to approve the November 18, 2020, minutes, seconded by Senator Nemes, and passed by voice vote.

Chairman Westerfield notified the committee of Katie Comstock's resignation from the Legislative Research Commission, commended her for her years of service, and wished her well in her new endeavor.

Restorative Justice

Jennifer Hancock, President & CEO of Volunteers of America (VOA), began by stating that Restorative Justice is not only an effective approach to reducing crime, but also a cost-saving approach. The program is an innovative, outcome-based alternative to the juvenile justice system, allowing victims to be heard and healed, offenders to be held accountable and healed, and for the community to feel restored. Restorative Justice began in 2011 in Jefferson County and resolves more than 200 cases annually. The restorative approach finds alternatives to the current criminal justice system, using a four-step process: 1) meeting with offenders; 2) meeting with victims; 3) bringing both parties together to be heard and to facilitate a plan of restoration where the offender is held accountable for following through on the plan; and 4) ongoing case management to offer support for underlying dysfunctions in their lives.

Ms. Hancock stated that Spaulding University's data shows the traditional rate of recidivism for juveniles in Kentucky is 56 percent, but only 23 percent of Restorative Justice participants commit additional offenses.

Ms. Hancock stated that the Restorative Justice program costs approximately \$1,014 per case, whereas the traditional juvenile justice system costs \$3,166 per case.

Libby Mills, Senior Director of VOA, stated that VOA offers a diversion option for youth, a disposition option for youth, and a diversion option for young adults who are 18 to 25. Ms. Mills stated that there has been no lapse in intakes or processing when working online, due to the COVID-19 pandemic, became

mandatory. Compared to the same time last year, referrals decreased 55 percent in the juvenile justice system but only 22 percent for Restorative Justice.

Ms. Mills stated that a new youth restorative justice project began in seven southeastern Kentucky counties in July 2020. Training and information sessions were provided for judges, county attorneys, Department of Public Advocacy attorneys, and Administrative Office of the Courts (AOC) Court Designated Workers. The Southeastern Kentucky Project is a member of AOC's Family Accountability Intervention and Response (FAIR) teams and the Regional Interagency Council for all seven counties. Referrals started being received in August 2020, lowering the juvenile justice system approximately 50 percent in those seven counties. Ms. Mills stated that involvement in the juvenile justice system is a critical turning point in keeping youth from progressing in the criminal justice system.

In response to Representative Moser, Ms. Mills stated that the average time an offender spends in the program is approximately six months. One of the barriers keeping this program from going statewide is not having internet access to meet online. To help reduce this obstacle, VOA goes out into the community to meet with participants. Another barrier is that some of the youth do not have the necessary support services needed to participate.

Representative Sorolis commented that she has worked with Restorative Justice in Louisville and encourages its expansion.

In response to Representative Banta, Ms. Mills stated that the goal is to reduce the need for a Juvenile Detention Center by reaching youth early and keeping them from progressing to the point that they receive a charge that requires secured detention. Referral to Restorative Justice is an alternative disposition option, not an alternative to detention option.

Governor's Commutation Powers

Overview of the Governor's Commutation Powers

Sheryl Snyder, an attorney with Frost Brown Todd, stated that Section 77 of the Kentucky Constitution, which allows the governor to remit fines and forfeitures and grant reprieves and pardons, was adopted in 1792. The pardon power was viewed as an act of mercy and appropriate for the governor. However, the governor may not pardon for impeachment or treason. He or she can grant a reprieve in a case of treason until the next session of the legislature when the legislature decides whether or not to pardon. Courts have ruled that the power to reprieve and pardon is an unbridled power, with the exception being that courts can refuse to recognize a pardon that was procured by fraud. The legal effect of a pardon is to stop the criminal justice system from proceeding further as to that individual. It does not affect expungement. It otherwise negates all of the legal consequences of the crime. The 1890 Constitutional Convention added the phrase "commute sentences" to Section 77. The governor

may pardon prior to conviction or prior to indictment. However, the governor cannot pardon future conduct. The governor also has the power to restore a felon's civil rights.

In response to Senator Carroll, Mr. Snyder stated that commutation does not negate the conviction the same as a pardon. A pardon does not expunge the record, but the commutation of the sentence stops short of the pardon and just reduces the sentence. The conviction remains on the books. In regards to the restoration of civil rights, typically the person has served their sentence and been released, whereas commutation effectuates the release but does not restore civil rights. Restoration of civil rights is a separate step the governor would need to do. It can be put all in the same document, but they are legally separate steps. Mr. Snyder was not able to confirm if an individual who receives a commutation is allowed to have voting rights restored during the period of early release.

Governor Beshear's Commutations Due to COVID-19

Secretary Mary Noble, with the Justice and Public Safety Cabinet, stated that we are in an unprecedented time. The Justice and Public Safety Cabinet is responsible for the lives of inmates, the lives of correctional officers and staff, and the people that live in the communities surrounding institutions. Secretary Noble stated that in an enclosed environment an airborne disease will spread and people will die. Controlling and preventing the spread is difficult. An emergency analysis was done to protect and save the lives of inmates, staff, and the surrounding community. Sanitation of the institutions, the wearing of face masks, and social distancing was immediately put into action. A process of separation and isolation helped manage an outbreak once in a facility. Reduction of population was the final step. Secretary Noble stated that there are currently six prisons with active infections, and 19 inmates and two staff members have died of COVID-19 related illnesses to date. The governor chose to use the tool of population reduction through the carefully considered exercise of conditional commutations. If the conditions are violated, the sentences are reinstituted.

Robyn Bender, General Counsel of the Justice and Public Safety Cabinet, reiterated that the concern was to keep the staff, inmates, and the community as safe as possible. Ms. Bender stated that Kentucky jails statutorily house lower level offenders. The older facilities make it harder to implement CDC social distancing recommendations. As such, Governor Beshear issued four executive orders granting conditional commutations for offenders, and all had to be non-violent/non-sexual offenses. On April 2, 2020, 186 prison inmates who were within five years of their release date and were considered medically vulnerable had their sentences commuted. On April 10, 2020, the focus was on reducing the facility population to enable more social distancing. The second commutation was granted for 697 inmates who had less than six months

sentencing remaining. On April 24, 2020, the focus was on the medically vulnerable in jails and over the age of 65. There were 352 inmates who received the commutation. On August 25, 2020, 646 inmates who had become eligible under the previous requirements received commutations. The criteria for non-violent, non-sex offense does not apply to the crime in which they were charged, but to the crime they were convicted of. The screening criteria included: crimes categorized as violent by statute and by the Association of State Correctional Administrators, sex crimes regardless of crime type, sentences of life and life without parole, arson, sex, manslaughter, homicide, stalking, assault, robbery, abuse, torture, kidnapping, and immoral practice with another. Class B felons not excluded under the previous criteria were removed from the medically vulnerable lists, but were kept on the lists of offenders who had less than six months to serve. Ms. Bender gave a breakdown of the crime types of those commuted: drug crimes being 33.86 percent, other public order crimes being 33.92 percent, property crimes being 25.62 percent, and other crimes being 6.58 percent. The medically vulnerable criteria was based on the CDC's identified medical conditions, which was revised between April 2020 and August 2020. Commutations were given for those at an increased age (over the age of 65) due to the CDC identifying it as an increased risk of severe illness or death. The CDC reported that eight out of ten COVID-19 deaths have been in adults age 65 and older.

Ms. Bender stated that the commutations were conditional, and the inmate had to agree to meet the conditions in order to be released. If they violate the conditions their commuted sentence would be restored.

In response to Chairman Westerfield, Ms. Bender stated that not having contact with the victim was not included in the conditions. However, all of the victims were notified of the release through the VINE system. If the victim was not registered in the VINE system, they would not have received notification.

Ms. Bender stated that an inmate could not be released if he or she: 1) tested positive for COVID-19 or displayed symptoms; 2) did not have a verifiable home address to allow for a 14-day quarantine; or 3) was convicted of another felony offense during the period of early release. Being charged or arrested is not a violation of the condition until convicted. If convicted, their commuted sentence will be reinstated and served prior to the sentence for the new conviction. The inmate had to sign a conditional commutation notice stating they understand the conditions of their release and had to agree to abide by them.

In response to Chairman Westerfield, Commissioner Lisa Lamb, Deputy Commissioner of the Department of Corrections, stated that there were conditional commutations issued under former Governor Patton. Ms. Bender stated that, because the individual is not under supervision, violation of the quarantine condition must be reported to the

DOC. Notice of Violation letters were sent to those individuals to remind them of the conditions of the commutation, that any additional violation would require their commutation to be revoked, and they would return to incarceration. The local health departments were notified of any individuals who may have had an exposure to COVID-19.

Services were provided to those being commuted to help them transition back into the community. The services included enrolling eligible individuals in Medicaid and allowing inmate IDs to be used for assistance programs such as Medicaid and food stamps. In addition, they were provided with prescription medication for a limited period, Narcan kits, community resource contact information, and substance abuse resources. Ms. Bender noted that some of these services are above and beyond the general services provided when an individual has served out their sentence and released.

In response to Senator Carroll, Secretary Noble stated that nothing the Justice and Public Safety Cabinet does is done without considering the full range of public safety. The only motivation was to stop deaths and permanently damaging illness. Prosecutors were not consulted but law enforcement partners were taken into consideration. Commissioner Lamb also advised that some of those released with more than five years left may have received Statutory Good Time to reduce their sentencing.

Senator Carroll stated that adding obesity to the medically vulnerable list did not make sense, but understands that it is a CDC guideline.

Ms. Bender verified that those commuted met the criteria to have their rights restored and were able to register to vote, the same as every offender who is released. A voter registration card was included in the release packet, as is always. Commissioner Lamb stated that she was not aware of any instructions given to jailers to have the voter cards completed before release.

In response to Chairman Westerfield, Secretary Noble stated that the restoration of rights of an individual who fails to meet commutation conditions has not been litigated, but if the basis for the commutation is voided, you would expect that every right that streamed from that commutation would also be voided.

In response to Senator Carroll, Commissioner Lamb said she would check on how many of those released were exposed to or tested positive for COVID-19. The sign-up for Medicaid was done by the DOC prior to commutations, and jail inmates names were provided to CHFS to enroll.

In response to Senator Carroll, Commissioner Lamb stated that the DOC does not have the authority to release anyone outside of the executive orders.

In response to Senator Carroll, Secretary Noble stated that only those with a life sentence or death sentence will stay in prison forever, all other inmates will return to the community. A considered decision was made about when it was appropriate to release

these specific individuals based up on their health conditions and the risk to them. No one convicted of a violent offense or sex offense was released.

In response to Senator Schickel, Commissioner Lamb clarified that the list presented was of offenders who received conditional commutations. Senator Schickel stated that releasing those in the prison system affects justice.

In response to Senator West, Secretary Noble stated she is not aware of anyone who has been incarcerated for defying the governor's COVID-19 executive orders. Senator West stated that enforcing these executive orders gives the possibility of jail time to anyone who defies them.

In response to Representative Moser, Ms. Bender stated that as long as the DOC takes reasonable action, based on their understanding and knowledge of the disease, it is unlikely that there would be liability for someone becoming sick or dying of COVID-19 while in custody. The courts have ruled in favor of the DOC for taking all reasonable measures. Secretary Noble and Ms. Bender were not aware of why inmates have been added to phase one of the vaccine distribution.

Senator Wheeler stated that he is aware of someone who violated the governor's executive order for having more than one household member in a store at a time. He had to appear in court and was released with a warning.

In response to Senator Wheeler, Commissioner Lamb clarified that, in partnership with CHFS, a Narcan kit was provided upon release. Commissioner Lamb stated that there was no cost to the DOC and CHFS received a grant to provide the kits.

In response to Representative Minter, Commissioner Lamb stated that she will have to check with their addiction specialist to know if Narcan kits help reduce recidivism. Representative Minter commented that no one has been incarcerated for violating the governor's executive orders related to COVID-19.

Senator Webb commented that she appreciates the efforts of the Justice and Public Safety Cabinet in keeping inmates and staff safe, and hopes the success of these releases will be documented.

Representative Hatton commented that the punishment should fit the crime. If no actions were taken to help protect the inmates, we could possibly be looking at a death sentence for theft. Representative Hatton also commented that the cost for a Narcan kit is less than an emergency room visit for having an overdose, and that these commutations were very carefully considered releases.

In response to Representative Nemes, Secretary Noble stated the release process could not satisfy everyone; but you have to set criteria, make them as reasonable as you can, and apply it uniformly. If appropriate, an inmate is released to a treatment facility that has been verified to adequately protect against the virus.

Chairman Westerfield reminded members of the virtual Kentucky Smart on Crime Boot Camp

for legislators on December 15, 2020 at 9:00 AM, and the Kentucky Chamber's virtual legislative presentation at the Marriott Griffin Gate in Lexington that will include a criminal justice program. Chairman Westerfield encouraged members to check out the National Conference of State Legislators database to review updated information on matters such as police reform bills, pretrial release, and much more.

There being no further business, the meeting adjourned at 12:00 PM.

INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS

Minutes of the 5th Meeting of the 2020 Interim

November 20, 2020

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on Friday, November 20, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Representative Adam Koenig, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator John Schickel, Co-Chair; Representative Adam Koenig, Co-Chair; Senators Julie Raque Adams, Tom Buford, Denise Harper Angel, Jimmy Higdon, Christian McDaniel, Michael J. Nemes, Damon Thayer, and Reginald Thomas; Representatives Kim Banta, Tom Burch, Al Gentry, Thomas Huff, Matthew Koch, Nima Kulkarni, C. Ed Massey, Chad McCoy, Michael Meredith, Jerry T. Miller, Kimberly Poore Moser, Ruth Ann Palumbo, Phillip Pratt, Rachel Roberts, Sal Santoro, John Sims Jr, Susan Westrom, and Buddy Wheatley.

LRC Staff: Tom Hewlett, Jasmine Williams, Melissa McQueen, and Lisa W. Moore

Approval of Minutes from the October 5, 2020, meeting

Representative Burch motioned to approve the minutes from the October 5, 2020, meeting, and Representative Miller seconded the motion. The minutes were adopted by voice vote.

Kentucky Restaurant Association

Stacy Roof, President/CEO, Kentucky Restaurant Association, discussed the on-going issues that have impacted restaurants since the beginning of COVID-19 in March 2020. One in six restaurants are expected to permanently close, which negatively affects many communities. With no federal aid in sight, Ms. Roof would like to see the proposed legislation 21 RS BR 343 become permanent law. The proposed bill will help restaurants to stay afloat in tough financial times. It resembles Senate Bill 150 from the previous legislative session.

Ms. Roof said consumers have responded favorably to the alcohol to-go sales that has been in

effect under Governor Beshear's executive order. She said it has helped operators sell their inventory with the to-go food orders. Distillers and craft brewers are also supportive of the legislation. This is a lifeline that is much needed for struggling restaurants.

Ms. Roof said many of the over 7,000 hospitality businesses across Kentucky, including restaurants, taverns, bars, distilleries, retail sales operations, and tasting rooms have been closed or operating under reduced capacity for months, causing over 114,000 employees to be laid off or furloughed since the COVID-19 outbreak. This equates to 76 percent of restaurant operators having laid off or furloughed employees. She noted that 37 percent of operators say it is unlikely their restaurant will still be in business in six months without an additional relief package from the federal government.

Shannon Stiglitz, Senior Vice-President, Government Affairs, Kentucky Retail Federation, said it is expected to take two to five years for restaurants to overcome the financial hardship created from the pandemic. Many businesses have made significant economic investments to their facilities during the pandemic including ventilation systems, sanitizer, and plastic shields. Alcohol to go can provide restaurants with more net revenue than to-go food orders alone. Operational costs for restaurants are at an all-time high and any innovative ideas to make money are impactful.

Chairman Schickel said the proposed legislation is a good, commonsense lifeline. He said the Alcohol Beverage Control (ABC) Board is in support and has not identified any problems with the legislation. Some definitions may have to be tweaked in the future.

Senator Thayer said he has empathy for the restaurants in the Commonwealth. Governor Beshear's decision to close these establishments for three weeks is disastrous. He could have very easily reduced capacity size in restaurants rather than shutting them down completely and killing them economically. He would love to co-sponsor the alcohol to-go bill with Chairman Schickel and reiterated he hopes the shutdown is only three weeks and does not extend through Christmas.

Responding to a question from Representative Burch regarding restaurant liability for selling alcohol to go, Ms. Roof said prevention is never 100 percent, but there are many safeguards built into the legislation to keep consumers and businesses safe and free from liability. Similar to the wine to go bill that was passed many years ago, the container has to be sealed and not be within reach of the driver. It is the driver's responsibility to ensure the guidelines are followed. Ms. Stiglitz noted that drinking and driving is still against the law regardless of the fate of this bill. Representative Burch said Governor Beshear is trying to protect Kentuckians and he would like to see the restaurants remain open in a safe environment.

Kentucky Guild of Brewers

Senator Julie Raque Adams said Kentucky microbreweries, or craft brewers, have been a

growth industry in Kentucky. There are currently 88 Kentucky craft breweries, with five new breweries in the planning stage. Twenty-four microbreweries have expanded, or are in the process of expanding. The breweries generate \$872 million in annual economic activity to the Commonwealth. In 2019, Forbes ranked Kentucky in the top two states in the nation for growth and economic impact of microbreweries.

Senator Adams said the Kentucky Guild of Brewers (KGB) is asking the Kentucky General Assembly to update antiquated laws that do not align with current market practices, and to get government out of the way of business so they can compete and grow in both domestic and global markets. This industry has never come before the General Assembly seeking money, or reducing oversight. Instead, current and past requests have been to remove obstacles that have hindered growth or access to markets. She will resubmit Senate Bill 321 from the last session in the 2021 Kentucky General Assembly. It will permit limited self-distribution for microbreweries of up to 2,500 barrels, and addresses the inequities that exist in the statutorily required contractual arrangement between microbreweries and beer distributors. The proposed legislation does not seek to give microbreweries an advantage over distributors, but levels the playing field for both the microbrewer and the distributor.

Charlie Hamilton, President, KGB, said Kentucky's craft brewers provide more than 1,000 Kentucky jobs and, prior to COVID, had increased their employment by 15 percent. Amidst the pandemic, they have been forced to furlough or lay off many employees. Industry members have still invested an additional \$16.2 million in Kentucky this year, despite the pandemic and the delayed expansions. Continued growth (although slowed due to COVID) is occurring in new markets. Exporting has occurred to over 40 states and 20 different countries.

Mr. Hamilton thanked the committee members for the legislative change to the sales and use tax on manufacturing equipment during the 2019 Regular Session. Microbreweries are more than just manufacturers in the Commonwealth. Beyond being a manufacturing growth industry in Kentucky, the KGB members operates "tap rooms," and many operate full service restaurants. Like other on-premises retailers, such as restaurants and bars, the KGB is part of the state's hospitality and tourism industry.

Last year Louisville received national notice as a craft brewery destination city. Kentucky tap rooms are tourist destinations and local community hubs for residents. The KGB is a member and the Brewgrass Trail experience, and brings numerous festivals and partners for the Kentucky Proud beer series.

Mr. Hamilton said each year, the KGB has come before the General Assembly and various committees to provide updates and have been able to report significant growth, increased production, millions in investments and job creation and sustained commitment to the local communities and local

charitable organizations, but not this year. COVID is impacting all industries but has hit independent craft brewers particularly hard. All small independent locally owned businesses require significant capital investment to open. Microbreweries are the smallest producers.

Adam Watson, Government Relations, KGB, said pre-COVID craft brewers had the highest growth, but now those same local or regional breweries are suffering the greatest impacts from COVID. Nationally, two percent of all microbreweries will not reopen. They have lost three in Kentucky, and at least ten are identified “at risk”. A 13 to 32 percent decrease is forecasted in product trade, which will have impact on materials, and beer sales. On-premise draughts were down 80 to 90 percent in past COVID months. It has started to recover some, only down now 25 to 40 percent. Overall, sales are likely to be down 50 percent according to the national Brewers Association.

Mr. Watson said financial impacts are vast especially with civic unrest and the closure of downtown Louisville. The impacts on other-premise retailers, such as other restaurants and bars, and grocery stores all have an impact on the industry. The closures, reduced capacity, limited hours of operation, and the mandatory curfew all impact supply in local markets which are key priorities.

Mr. Watson said on-site sales are down, volume is down, distributor orders are down, and there has been complete cancellation of events. Additionally, operational costs have increased with increases in raw materials and sourcing. There have also been can shortages, and a decrease in the availability of CO2. Businesses that could pivot to carry-out have done so. Profits this year will be substantially down, if any are realized at all, limiting reinvestment and expansions. The alcohol shipping bill, if it would have been enacted, would have helped to offset losses. Other states have shown that on-line sales can provide a lifeline. Despite PPP and limited operations, layoff and furloughs still range from 10-80 percent of the workforce. Many workers faced difficulty in getting Unemployment Insurance benefits. Although growth is still up, it was the slowest growth in the 11 quarters reported.

Mr. Watson said COVID-related restrictions on businesses included mandated closures, then 25 percent capacity, then 50 percent required capacity reductions, no bar service, and service only at tables, which adds additional costs. Modifications to outdoor spaces for those who have them, have been costly. There has also been a mandated curfew. He said the KGB members are doing all they can to assure compliance with the Healthy at Work Guidelines, and all Executive Orders. Much work is left to do to rebuild customer confidence and hopefully regain customers once fully reopened. It is imperative to be able to safely reopen at normal capacity.

Mr. Watson discussed legislative changes needed by the craft brewery industry during the 2021 Regular

Session. They included contract equity and seeking to assure current contracting provisions are equitable to both parties, and adopting nationally accepted standards related to brand value. He said the KGB supports limited self-distribution, not to exceed 2,500 barrels. In other states who utilize self-distribution, this has been a lifeline for microbrewers. Finally, align statutory provisions with modern business practices, while reducing barriers. This applies only to beer, and there is not a similar statute for wine or distilled spirits. Changes would only apply to contractual distribution agreements between microbrewers and beer distributors.

Kentucky Distillers’ Association

Bryan Alvey, Senior Director of Governmental and External Affairs, Kentucky Distillers’ Association (KDA) discussed 2021 legislation session priorities. Bourbon is very popular, but the on-going trade war has hindered global growth. The trade war with China and the European Union is threatening distilleries across the United States and in Kentucky. Kentucky spirits exports are down more than 30 percent through the first half of 2020, after years of double-digit growth, and exports are on track to be their lowest in a decade. The Kentucky Bourbon Trail visitors made nearly 2 million stops at 37 participating distilleries in 2019. More than 70 percent of those visitors came from outside the state. The top issue for bourbon tourists is direct-to-consumer shipping. The COVID pandemic has also hit distilleries hard, as sales at bars and restaurants have plummeted and smaller distilleries struggle to keep their doors open.

The KDA supports several initiatives to attract more visitors to the state and help distilleries reach their “Napa Valley” potential, especially as they rebound from the pandemic. The KDA will continue to advocate to modernize and streamline Kentucky’s new Direct-to-Consumer shipping laws, and to reform distillery gift shop sales to remove wholesale taxes on bottles that never pass through a wholesaler, a privilege that wineries and breweries already enjoy. The KDA supports allowing the sale of private barrel selections and exclusive bottles at distillery gift shops, a privilege already given to wineries, breweries, and distillers around the world. Finally, the KDA supports making retail cocktails-to-go and bottle sales at restaurants permanent, continuing the temporary success of these sales during COVID.

Mr. Alvey said distilling is the highest taxed among all 532 manufacturing industries in Kentucky. Kentucky is only one of two states with a wholesale tax on alcohol (South Dakota is the other at two percent). Kentucky ranks fifth highest among all market states in spirits taxes. Kentucky is the only place in the world that taxes aging barrels of spirits.

The KDA supports several initiatives to streamline and reform spirit taxes. He suggested exploring ways to make Kentucky’s antiquated tax system on alcohol more efficient and effective in today’s marketplace. The KDA opposes any effort to increase alcohol taxes, and supports eliminating

the barrel tax, or giving distillers full relief from this discriminatory tax.

Kentucky distilleries rose to the challenge during the COVID crisis and began producing and donating hundreds of thousands of gallons of much needed hand sanitizer for hospitals, first responders, and front-line workers. The KDA supports initiatives to provide liability protection for distilleries and other businesses that provided temporary and targeted relief during the shortage of PPE and other critical goods and services.

Kentucky distilleries buy more than nine million bushels of corn and other grains from Kentucky farmers, which is more than half of all distillery corn purchased. As those grains are cooked and fermented in the distillation process, spent grains are a byproduct that is left over. These byproducts are perfect for feeding livestock on the farm and other agricultural applications. The KDA believes that distillers grains should not be classified as industrial waste, especially since petroleum byproducts are not classified as an industrial waste. Distillers spent grains and other byproducts are agriculture in nature and should be listed that way in state environmental regulations.

Senator McDaniel said direct shipping can be a lifeline for businesses hard hit by the pandemic. He is introducing a bill in January that will remove direct shipping from any regulatory or taxation process for the next year. He said Kentuckians want this and deserve this service. Direct shipping can also save struggling businesses from closing.

Senator Thayer discussed the importance of removing artificial barriers from free enterprise. He said the wish list from KDA gets longer, but Kentucky has come a long way from the prohibition days.

Kentucky Board of Embalmers and Funeral Directors

Greg Lakes, Chairman, discussed proposed legislation changing the fee structure so the board can be self-sustaining. They tend to have a deficit each year and have to ask the state for assistance. These small fee structure changes would make the office self-sustaining and bring the office into the 21st century.

Responding to a question from Chairman Schickel regarding licensees and fee structures, Ms. Christie Moffett, Executive Director, said the licensees pay the fees. The licensees include embalmers, funeral directors, and funeral establishment. Mr. Lakes said the Funeral Directors’ Association has endorsed the proposed legislation and is in support of the fee structure change. Chairman Schickel recommended ensuring that all licensees have bought in, or the legislation can quickly turn unviable.

Senator Thomas said the Kentucky Board of Embalmers and Funeral Directors should have the latitude to set the fees to be self-sustaining as they see fit. He said this would be very similar to the Kentucky Bar Association deciding its fee schedule, and attorneys’ fees can change year to year depending on need.

Department of Charitable Gaming

Jacob Walbourne, Deputy General Counsel, and Doug Hardin, Staff Attorney, Public Protection Cabinet, discussed the legislative priorities for the Department of Charitable Gaming. Mr. Hardin said the most important item in the 2021 Regular Session is a change to KRS 238.536, commonly known as the 40 percent rule. The 40 percent rule is a rule that requires the net receipts from charitable gaming to go to the charity as opposed to paying for charitable gaming itself. All net proceeds have to go to a charitable purpose, but this provision provides the charities with leverage when negotiating leases and buying charitable gaming supplies, by ensuring 40 percent of the net proceeds go to the charity.

Mr. Hardin said COVID-19 has reduced the number of charitable gaming players that are engaged in gaming at this time. He noted financial reports have not been released for calendar year 2020, but they are estimating a fourfold increase in the number of charities that may be negatively impacted by this statutory requirement. This equates to about 10 percent of charitable gaming licensees, and this number could still increase. Due to these factors, they are requesting a one-year suspension of the 40 percent rule for calendar year 2020. Other items he discussed were “clean-up” issues.

With no further business before the committee, the meeting adjourned at 11:40 a.m.

INTERIM JOINT COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 6th Meeting of the 2020 Interim

November 17, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Local Government was held on Tuesday, November 17, 2020, at 9:00 AM, in Room 171 of the Capitol Annex. Senator Wil Schroder, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Wil Schroder, Co-Chair; Representative Michael Meredith, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Morgan McGarvey, Robby Mills, Michael J. Nemes, Damon Thayer, and Johnny Ray Turner; Representatives Danny Bentley, Randy Bridges, George Brown Jr, Jeffery Donohue, Deanna Frazier, Joe Graviss, Cluster Howard, Kim King, Adam Koenig, Jerry T. Miller, Brandon Reed, John Sims Jr, and Ashley Tackett Laferty.

Guests: Madison County Judge/Executive Reagan Taylor, Warren County Attorney Amy Hale Milliken, Jim Henderson, and Shellie Hampton, Kentucky Association of Counties; City of London Mayor Troy Rudder, City of Versailles Mayor Brian Traugott, J.D. Chaney, and Bryanna Carroll, Kentucky League of Cities; Michael Kurtsinger and John Wood, Kentucky Fire Commission.

LRC Staff: Mark Mitchell, John Ryan, Joe

Pinczewski-Lee, and Cheryl Walters.

Approval of Minutes

Upon the motion of Representative Miller, seconded by Representative Koenig, the minutes from the October 27, 2020, meeting were approved.

Recognition of Non-Returning Committee Members

Senator Schroder recognized the following Senate members who would not be returning for session: Senators Humphries, Robinson, and Turner. Representative Meredith recognized the following House members who would not be returning for session: Representatives Elkins, Graviss, Howard, Lee, Meyer, Rothenburger, and Sims.

Kentucky Association of Counties’ Legislative Platform for the Upcoming 2021 Session of the General Assembly

Mr. Jim Henderson, Executive Director and CEO of the Kentucky Association of Counties (KACo) introduced Madison County Judge/Executive Reagan Taylor, KACo President, and Warren County Attorney, KACo First Vice President.

Judge Taylor told the committee that while it is a short session coming up, there is still help that counties need from the legislature that can only come from a statute change. For the last few months, KACo staff has hosted a listening tour of the Commonwealth to hear from county officials. KACo also polled its members during its annual conference last month, where more than two-thirds of attendees representing 92 counties provided responses. Counties voiced that they are being squeezed to the breaking point, that their hands are tied when it comes to generating the revenue needed to perform all the statutory and constitutional duties required of them, but also that more and more costs are being shifted to them, directly or indirectly, over which they have no control.

Based on the feedback, KACo’s board identified its top five legislative priorities for 2021. The board voted transportation funding as its top priority again. In KACo’s poll, a majority of the members stated that more than 40 percent of county roads are in need of moderate to significant repair and a quarter of the members said that more than 60 percent of their roads need repair.

Kentucky’s road funding consists of several different categories. Counties are given a share of the gas tax category to maintain half of all the roads and a third of the bridges in the state. While the overall road fund has seen some growth, gas tax revenues have declined since a floor on the amount of lost revenue was set in 2015. Many fiscal courts have had to extend the time between road and bridge maintenance schedules due to increased costs and decreased funds. In 2018, counties spent almost \$60 million out of their general fund dollars on road and bridges, and this does not include Jefferson or Fayette Counties.

The counties thank Representative Santoro who has sponsored legislation for the last three sessions that would begin to address this need. Fourteen other states have increased their road funds and fees in just

the last five years, including the surrounding states of Indiana, Tennessee, Ohio, West Virginia, and Illinois. Representative Santoro’s bill included electric vehicles that use the road but do not pay any gas tax. While this will only generate \$150,000 in the first year based on last year’s bill, it is a forward-looking approach for such a small but growing percentage of all cars on the road today.

Ms. Milliken told the Committee that as COVID-19 has forced an even greater reliance on virtual work, education and healthcare, it has shed light on the pre-COVID issue of the significant stretches of unserved and underserved broadband access, at varying levels but certainly is an issue across the state. While some may consider a lack of broadband a more rural issue, accessibility can be a challenge no matter where one lives. The opposite is also true. Broadband has the power to change lives. Broadband has allowed safe court appearances.

The growth of Kentucky’s incarcerated population has far outpaced the state’s population growth. Between 2011 and 2019, the state’s population grew by two percent. Counties’ incarcerated population grew by 31 percent, which means the financial obligation of the state and counties increases. It is well documented that Kentucky has an incarceration problem being driven by addiction and a mental health crisis.

Ms. Milliken noted her county’s efforts at minimizing their inmate population, and programs aimed at assisting former inmates toward reintegrating into society, such as a photo I.D. program which is being adopted on a statewide level. There are additional efforts designed to allow inmates to succeed after they are released from jail.

Judge Taylor stated that KACo’s final two priorities are intended to seek opportunities to streamline county services, further collaborate with all levels of government, and seek more count revenue flexibility.

Mr. Henderson said that transitioning the sheriff’s budget from calendar year to the county fiscal year would be a simple fix to streamline county services and collaborate.

In closing, Judge Taylor stated that counties and the legislature must work together to find solutions for the Commonwealth.

In response to a question from Representative Graviss, Judge Taylor said counties have been promoting their priorities differently by getting all 1,500 members of KACo on board with the priorities and to encourage local officials to reach out to the legislature.

In response to another question from Representative Graviss, Mr. Henderson replied that KACo has been diligent during the interim in regards to Representative Santoro’s bill. Results do not happen overnight.

Senator Alvarado commented that the Governor needs to step up especially in terms of infrastructure development. Regarding jails, the state is trying to get

Medicaid funding for drug treatment in the jails.

Representative Frazier commented that significant strides have been made in promoting various KACo initiatives.

Kentucky League of Cities' Legislative Platform for the Upcoming 2021 Session of the General Assembly

Mr. J.D. Chaney, Executive Director and CEO of the Kentucky League of Cities (KLC) told the Committee that the League had an ambitious agenda for the 2021 Session. He then introduced City of London Mayor Troy Rudder, KLC President, and City of Versailles Brian Traugott, KLC First Vice President.

Mayor Rudder told the Committee that KLC's agenda follows its principles of advocacy. KLC believes in home rule; seeks adequate, stable, and flexible resources; and promotes economic development.

The success of Kentucky is tied to the success of its local communities, which depend on infrastructure. Cities must have reliable and safe streets and bridges. The issue is funding—cities do not have enough money to take care of vital transportation needs. Over the past five years, 23 states and the District of Columbia faced similar shortfalls, and those states instituted modest gas tax increases. Kentucky has not modified its amount since 2015. Gas tax revenues is the only portion of the Road Fund shared with local governments. City spending on streets and bridges climbed 35 percent FY 2010 to FY2019 while at the same time state and federal road funds dropped 24 percent.

KLC and the Kentucky Association of Counties (KACo) have agreed on a plan to make road funding more equitable. Funds over the FY 2014 high mark of \$825 million would be evenly split between the municipal and county road aid programs at 13 percent each. The deal ensures counties and the state do not lose funding, while also providing cities more funds for vital infrastructure.

The need for modernization and diversification of various revenue options is important to cities of all sizes. Only former fourth and fifth class cities, such as the City of London, can currently collect consumption-based restaurant revenue. In the case of London, the revenue exceeded expectations, and brought in even more restaurants because of more recreational opportunities realized from that money. Cities are seeking equal application of this revenue-generating option. Consumption-based restaurant revenue does not increase taxes on businesses because it is paid by consumers who choose to eat in a restaurant. The proposal would eliminate occupational license taxes that restaurant owners currently pay on net profits or gross receipts in communities that elect to collect consumption-based restaurant revenue.

Cities are also seeking the ability to shift local revenue into more of a consumption-based model—instead of the current productivity taxing structure—by permitting a local sales tax. KLC also intends to

protect the current crediting of occupational license taxes paid to a city against those owed to its county to ensure residents are not double taxed. KLC opposes any effort to centralize collection of local revenue.

Achieving the modern approaches will require an amendment to Section 181 of the Kentucky Constitution. The 130 year old section impedes the legislature's ability to comprehensively reform local government tax policies, which are heavily reliant on occupational taxes. Cities are looking to the legislature to approve a constitutional amendment that would be on the ballot for voters in the 2022 election.

When companies consider locating in Kentucky, it is the amenities, workforce, and livability of cities that factor heavily into the decision. One economic development tool that cities are advocating for is an increased cap on Kentucky's historic tax credit limit which is currently at \$5 million, one of the lowest levels in the country. Increasing the cap to \$30 million will help cities restore historic buildings, revitalize communities, create jobs, and improve property values.

Another serious and growing problem in cities is blighted, deteriorated, and vacant properties, which can hurt property values, attract crime and pose a safety risk. KLC research shows that most cities in Kentucky have some blighted properties. Legislation that creates a conservatorship for rehabilitation of qualifying areas will help in the process. Conservatorship would only apply to buildings that have been vacant for a year or more. Rules would be established to help courts determine property status, and local governments would develop a plan for rehabilitation and funding of the project. Twenty-two other states have implemented similar legislation, including six of Kentucky's seven contiguous states.

KLC continues to seek modernization of the state's antiquated publication requirement, which costs city taxpayers around \$1.4 million a year. In addition to the cost to local taxpayers, mandating that some local governments publish entire documents and notices in a local newspaper limits the ability of a citizen to find the document in one easy location. A publicly owned city website is available to anyone, without the need to buy a newspaper, and it allows documents to be available for a much longer period of time. The legislature passed House Bill 195 during the 2020 Session, but it only pertains to local governments in counties that have a population of 80,000 or more covering 145 cities in nine counties. Smaller communities, which often deal with the most limited budgets, must continue to redirect tax dollars to local newspapers. Newspaper mergers can also affect how much publication costs cities. KLC is not suggesting that local governments be mandated to publish notices on a local website, only that they be given the opportunity to choose what is best for their community and taxpayers.

Mayor Traugott told the Committee that one of the top issues on KLC's agenda was policing procedures. Cities employ around 57 percent of

Kentucky's full-time law enforcement officers and handle 74 percent of the state's reported violent crime. Municipalities spend more than \$500 million a year in wages and benefits for police services, and support its local public safety officers. KLC urges the legislature to strengthen the state's current decertification law, a KLC initiative passed during the 2019 Session. KLC also supports limiting the use of no-knock warrants. However, KLC will oppose any legislation that eliminates qualified immunity for officers and any bill that limits or hinders the ability of a peace officer to conduct his or her job safely and effectively.

Cities are seeking an amendment to Senate Bill 230, the open records bill passed during the 2019 Session that allows requests to be submitted through email. The measure created some unforeseen issues for city clerks who are being inundated with out-of-state emails. The law could help with numerous out of state requests and attempts to circumvent the discovery process in civil litigations.

KLC continues to support legislation that addresses the criminal aspects of the state's substance abuse issue and those that take a proactive stance on treatment, rehabilitation, training and workforce reentry. KLC is working on a proposal to create a Recovery Ready Communities Program to help ensure cities have the resources to help individuals overcome substance abuse and return to the workforce.

KLC is looking to expand upon the passage of Senate Bill 29 during the 2019 Session, which allowed cities with a population of less than 20,000 to impose a regulatory license fee to help offset the cost of extra policing and regulation that comes with alcohol sales. KLC is advocating for the legislature to level the playing field by making that option available to all municipalities, and to provide amending language for cities in which voters approved an alcohol referendum between July 15, 2014, and July 15, 2017.

KLC is looking for changes to the way the state certifies paramedics and EMTs to improve the hiring of qualified candidates.

Cities seek a change in the reference year in current statute that limits the number of rehired police officers a city may employ, and KLC will pursue a similar program for fire departments.

KLC continues to champion legislation that requires newly elected city officials to receive a one-time, no-cost, three-hour training.

Cities request that a proposed increase in wholesale water rates between municipal utilities and regulated utilities be escrowed during a period of appeal to the Public Service Commission, so taxpayers do not lose out on the potential revenue.

KLC continues to advocate for the safety of its citizens by seeking to limit the policing powers of untrained constables.

To improve efficiencies, city leaders are looking to change how annexation filings are made with the Secretary of State to allow electronic filings.

Municipalities are looking to develop their own physical agility testing program for firefighters.

Home Rule cities want to adopt a 14-day work period of up to 80 hours for city police officers instead of a 40-hour, seven-day work period.

KLC continues to call for legislation that reduces incidents of contractors failing to obtain encroachment permits from the state before doing work along city streets.

Municipalities need a legislative solution for communities that have private ambulance service that is not providing necessary care. Those communities are finding challenges when they file for a certificate of need from the Kentucky Cabinet for Health and Family Services.

Issues with splash parks and pads remain a concern, and KLC will again advocate for legislation that defines how state laws and regulations specifically impact these locations.

KLC is continuing to see local communities deal with defunct homeowner associations and planned-unit developments that do not cover the maintenance of common areas.

KLC is looking to create transportation improvement districts to find new and alternative funding sources for vital projects.

City leaders are urging the legislature to enact measures that block administrative regulations that do not follow proper notification procedures.

KLC is seeking legislation to allow local governments to enact ordinances and regulations that regulate the operation of massage parlors, like most other businesses.

Senator Alvarado commented that he will be filing a bill again that addresses homeowners' associations.

In response to a question from Senator Alvarado, Mr. Chaney explained that cities with defunct homeowners' associations have to use taxpayer money to correct code enforcement problems. It is a burden on cities.

In response to another question from Senator Alvarado, Mr. Chaney said cities would embrace collaboration on dealing with COVID-based policy decisions. There should be more emphasis at the local level to make decisions.

Consideration of Administrative Regulations

The Committee considered referred Administrative Regulations 739 KAR 002:040, survivor benefits for death of a firefighter; and 739 KAR 002:155, Alan "Chip" Terry Professional Development and Wellness Program, promulgated by the Kentucky Fire Commission. Michael Kurtsinger, Legislative Director, represented the Commission and discussed the proposed changes.

There being no further business, the meeting was adjourned at 10:05 a.m.

INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENERGY

Minutes of the 6th Meeting of the 2020 Interim

November 18, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Natural Resources and Energy was held on Wednesday, November 18, 2020, at 1:00 PM, in Room 171 of the Capitol Annex. Representative Jim Gooch Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon Smith, Co-Chair; Representative Jim Gooch Jr., Co-Chair; Senators C.B. Embry Jr., Robby Mills, Reginald Thomas, Robin L. Webb, and Phillip Wheeler; Representatives John Blanton, Charles Booker, Adam Bowling, Terri Branham Clark, Randy Bridges, Myron Dossett, Jim DuPlessis, Daniel Elliott, Chris Fugate, Cluster Howard, Derek Lewis, Suzanne Miles, Melinda Gibbons Prunty, Josie Raymond, Cherlynn Stevenson, Jim Stewart III, Richard White, and Rob Wiederstein.

Guests: Representative Sal Santoro; Leigh Ann Thacker, Kentucky Association of Master Contractors (KAMC); Brian Tharpe, KAMC; Patrick Keal, Duke Energy Corporation; and Tyler Campbell, Kentucky Telecom Association.

LRC Staff: Stefan Kasacavage, Janine Coy, Tanya Monsanto, and Rachel Hartley.

Proposed Legislative Changes to the Underground Facility Damage Prevention Act

Representative Sal Santoro stated there are over 30 organizations that have discussed the proposed changes to the Underground Facility Damage Prevention Act.

Patrick Keal explained that those 30 organizations include: the Public Service Commission, regulators, excavators, utilities, and businesses. The priorities of the working group are safety and to minimize damage. The first year that damages were tracked, there were over 1,000 incidents involving natural gas. The proposed changes include: a positive response system that alerts contractors when a locator has marked a locate request for safe excavation, expanded time frames to locate underground facilities, and harmonizing the law with other states.

Leigh Ann Thacker stated the proposed bill will not include mandatory membership. The Kentucky Association of Master Contractors worked with home builders and general contractors to propose reforms including: call center uniformity within Kentucky and the removal of liability for the excavator if the excavator has met all statutory requirements.

Mr. Keal stated in 2013, legislation went into effect that required utilities to be able to locate underground facilities from the surface; however, from 2000-2010, approximately \$1 billion was invested in new water systems in Kentucky that were

not required to be located from the surface.

In response to Representative Gooch, Ms. Thacker stated a statute requires county clerks to keep a list of nonmembers, but she is unsure if any county clerks keep a record of nonmembers. The proposed law does not change this requirement, and there is uncertainty of who should be the repository for the record of nonmembers. It will be helpful for the call centers to have a record of the nonmembers, but mandatory membership would be the ideal solution.

In response to Representative Howard, Mr. Keal stated the Public Service Commission has authority regarding hazardous liquids and natural gas.

Tyler Campbell stated the new proposed definition for untenable facilities will increase locate request times to five days for small projects and eight days for large projects. All of Kentucky's surrounding states require locate requests to be completed within three working days. If the time frame for locate requests is extended, then there should be an accuracy requirement. Without an accuracy requirement, operators will have more time to locate their underground facilities, and many will still not be able to accurately locate underground facilities under current law.

The demand for broadband deployment in Kentucky is very high and rural providers are continually working to expand broadband in rural communities. The additional delays in locate request times in rural areas will result in delays to future fiber construction projects and will increase the cost of broadband deployment.

In response to Senator Thomas, Mr. Campbell stated the Federal Communications Commission (FCC) has created the Rural Digital Opportunity Fund (RDOF) to invest billions of dollars in the construction of rural broadband networks. The United States Department of Agriculture started the ReConnect Program, which will facilitate broadband deployment in rural communities in the form of loans and grants. Mr. Campbell stated he believes the United States Congress will include broadband in infrastructure legislation.

In response to Representative Gooch, Mr. Campbell stated the topography of an area will dictate if the project is underground or aerial.

In response to Representative Miles, Mr. Campbell stated the FCC certified which census blocks are eligible for funding for RDOF and there is a map on their website with data.

There being no further business, the meeting was adjourned.

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 6th Meeting of the 2020 Interim

November 17, 2020

Call to Order and Roll Call

The sixth meeting of the Interim Joint Committee

on State Government was held on Tuesday, November 17, 2020, at 10:30 AM, in Room 171 of the Capitol Annex. Representative Kevin D. Bratcher, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Wil Schroder, Co-Chair; Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Morgan McGarvey, Robby Mills, Michael J. Nemes, and Johnny Ray Turner; Representatives John Blanton, Tom Burch, McKenzie Cantrell, Jeffery Donohue, Jim DuPlessis, Joseph M. Fischer, Kelly Flood, Derrick Graham, Joe Graviss, Richard Heath, Samara Heavrin, Joni L. Jenkins, Matthew Koch, Scott Lewis, Mary Lou Marzian, Patti Minter, Jason Nemes, Jason Petrie, Attica Scott, Steve Sheldon, James Tipton, Ken Upchurch, Russell Webber, and Lisa Willner.

Guests: James Whitehorne, U.S. Census Bureau.

LRC Staff: Roberta Kiser, Alisha Miller, Daniel Carter, and Peggy Sciantarelli.

Approval of Minutes

The minutes of the September 22 and the October 27 meetings were approved without objection.

U.S. Census Report

James Whitehorne, Chief of the Redistricting & Voting Rights Data Office, U.S. Census Bureau, gave a report on 2020 census operations and the Redistricting Data Program that is governed by Public Law 94-171. His testimony included a PowerPoint presentation. He extended thanks to LRC staffers Greg Woosley and Scott Hamilton for their assistance with the Redistricting Data Program during the last several years.

Mr. Whitehorne said that collection operations for the 2020 census concluded on October 15. The census resolved 152 million addresses, compared to 132 million during the 2010 census. With the exception of Louisiana, the total response rate for all the states was at or above 99.9 percent. The District of Columbia and Puerto Rico reached at least a 99 percent total response rate.

The final self-response rate for the 2020 census was 67 percent, compared to 66.5 percent in 2010. There were 99 million self-responses—including 79 million Internet, 18 million paper, and 1.83 million phone. Kentucky's 68.2 percent self-response ranked 22nd in the country and exceeded its 2010 rate of 65.7 percent. Oldham County, with a self-response rate of 83.3 percent, finished 10th in the country among all counties. Twenty-eight states met or exceeded their self-response rates from 2010. Census questionnaire assistance centers operated without interruption from March 12 through October 15, and Internet self-response operated with zero downtime during that period.

The nonresponse follow-up rate accounted for 32.9 percent of total responses; six million addresses self-responded after enumerators left a notice of visit. Challenges affecting the census included repeated

hurricanes for the Gulf Coast states, the global pandemic, wildfires and air quality issues, and civil unrest.

To ensure data quality, special teams with expertise within the Census Bureau in the fields of census operations, statistical methodology, acquisition and utilization of administrative records—and in social, economic, and housing subject areas—were assembled to supplement the existing expert teams and provide extra focus on data quality. The nonresponse follow-up for the census resolved 5.6 percent of addresses nationwide through high-quality administrative records—such as Internal Revenue Service, Medicare, and Medicaid records—which equated to 13.9 percent of the nonresponse follow-up universe. In nonresponse follow-up, 24.1 percent of occupied housing units were enumerated by proxy—slightly higher than during the 2010 census; and 99.77 percent of the nonresponse workload on American Indian/Alaska native lands has been completed.

The census traditionally has two primary methods for evaluating quality. Demographic analysis—comparing census results to others—is a technique used to develop an understanding of the racial composition of the population. The results are expected in December 2020. The post-enumeration survey is a short survey used to evaluate the process of conducting census work. Based on that survey, it is possible to determine the number of people who are counted and the number who should have been counted. The results are expected between November 2021 and February 2022.

The Redistricting Data Program (P.L. 94-171) directs the Census Bureau to establish a program that allows the states to identify the small area geographic tabulations they need to conduct legislative redistricting. Historically those areas have been identified as voting districts, census blocks, and state legislative and congressional districts. The law requires the bureau to deliver the tabulations to the persons embodied with initial responsibility for legislative apportionment or districting of each state no later than one year from census day (April 1, 2021). The entire process has to be conducted in a nonpartisan manner.

The program has five phases. Phases 1 and 2—the Block Boundary Suggestion Project and the Voting District Project—are complete. Phase 3 is delivery of the redistricting data tabulations and geographic support products. Phase 4 is the collection of post-2020 census redistricting plans. Phase 5 provides evaluation of the 2020 Redistricting Data Program, which includes recommendations from the states and design for the 2030 census redistricting data program.

Mr. Whitehorne said the original schedule for Phase 3 delivery of the data products was altered by the pandemic. Prototype geographic support products are now available. They are examples of the geographic and tabulation products that will be created from the 2020 census. The bureau will be able to provide official geographic support products

to all states, the District of Columbia, and Puerto Rico starting January 22, 2021, and no later than February 28, 2021. The Phase 3 redistricting data geographic products are comprised of shapefiles, maps, block assignment files, and block-to-block relationship files. The bureau is working to provide the redistricting data as close as possible to the statutory deadline of April 1, 2021. The new planned date is not yet determined. The original plan for delivery of census data for redistricting was weekly delivery from mid-February to March 31, 2021. Instead there will be a single maximum delivery date for all states. As soon as the date is determined it will be communicated to official liaisons and stakeholders. There will also be public announcements.

As in the 2010 census, the census count will tabulate data based on race; race for the 18-years-and-over population; Hispanic or Latino, and not Hispanic or Latino by race; Hispanic or Latino, and not Hispanic or Latino by race for the 18-years-and-over population; and occupancy status (housing). A new table—group quarters population by group quarters type—was added for the 2020 census. Group quarter types include correctional institutions for adults, juvenile facilities, nursing and skilled nursing facilities, college/university student housing, and military quarters. There will be no demographic breakdown of the group quarters total population.

Mr. Whitehorne discussed another data product that is often used—Citizen Voting Age Population by Race and Ethnicity (CVAP). It is an annual tabulation using the American Community Survey 5-year estimates for 2011-2020 publications and is typically released in the first week of February each year. An internal expert panel published their final methodology report on October 30, 2020. The report was previewed at the Census Scientific Advisory Committee meeting in September.

Mr. Whitehorne spoke at length about disclosure avoidance and its timeline. All 2020 census data products released after apportionment will have formal privacy protections applied through the use of differential privacy. For the P.L. 94-171 redistricting data, this will be through the use of the Top Down Algorithm (TDA). The TDA is being streamlined to focus solely on the P.L. 94-171 redistricting data and the characteristics reported in that file, such as race, age, ethnicity, etc. The Census Bureau, using the 2010 census as the data source, has been releasing interim output from the TDA's as demonstration products. Interim output showing improvements was just released on November 16, 2020, correcting an error from a previous version. Mr. Whitehorne referenced the Census Bureau website for additional information regarding disclosure avoidance.

Mr. Whitehorne concluded his presentation by discussing the Count Question Resolution (CQR) program, which occurs after the data has been published. It allows the highest elected or appointed official in each tribal, state, and local government unit to request that the U.S. Census Bureau review

their 2020 census counts for housing and associated population, based on two types of geographic cases—boundary and/or living quarter count. CQR will not revise any redistricting data sent to the states. The program begins on September 1, 2021. On October 1, 2021, the Census Bureau will begin processing CQR cases and will stop accepting cases on June 30, 2023. The deadline for the Census Bureau to provide results is September 30, 2023.

Representative Bratcher asked how long differential privacy has been used. Mr. Whitehorne said that differential privacy is a fairly new science that began being developed in the early 2000’s. This would probably be the first decennial census to apply differential privacy on such a large scale.

Representative Graviss commended the Census Bureau for its visibility and helpfulness. He asked whether the deadline for delivery of data to the states might be extended to July 31 from the statutorily required April 1, 2021, deadline. Mr. Whitehorne said his personal belief is that the bureau rescinded its request for the deadline extension. He does not believe that an extension to July 31 is being pursued by the Census Bureau or the Department of Commerce at this time. When Representative Graviss asked whether broadband access and Section 8 housing can become a shapefile or data set, Mr. Whitehorne said the answer to that question falls outside his area of expertise.

Representative Bratcher said that he realizes it is not realistic to predict what the courts might do, but he questioned whether differential privacy “noise” might have an effect on redistricting. Mr. Whitehorne said there is a tremendous amount of focus being put on making sure that differential privacy is protecting respondents’ data so that it is still accurate. He said he does think that the data will hold up and be of use for redistricting.

Representative Bratcher thanked Mr. Whitehorne for his presentation. There were no further questions, and the meeting was adjourned at 11:17 a.m.

**TASK FORCE ON ELECTRONIC
RECORDING OF OFFICIAL
DOCUMENTS BY COUNTY
CLERKS**

**Minutes of the 3rd Meeting
of the 2020 Interim**

November 18, 2020

Call to Order and Roll Call

The 3rd meeting of the Task Force on Electronic Recording of Official Documents by County Clerks was held on Wednesday, November 18, 2020, at 3:00 PM, in Room 171 of the Capitol Annex. Representative Joseph M. Fischer, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Joseph M. Fischer, Co-Chair; Senator Morgan McGarvey; Representative Brandon Reed; Don Blevins, Debbie Donnelly,

Branden Gross, Mark Ladd, John McGarvey, Pam Thompson, Barry Tuemler, and Michael Wilson.

Guests:

LRC Staff: Randall Roof and Yvonne Beghtol.

Chairman Fisher announced that the Electronic Recording of Official Documents by County Clerks Task Force was tasked to observe and promote the implementation of SB 114 and to compare Kentucky’s progress in the eRecording/eNotary space with other states. The intervening of the COVID-19 pandemic has accelerated the need for the commonwealth and local governments to fully implement eFiling.

Approval of the Minutes

Not having a quorum, the August 20, 2020 and October 22, 2020 minutes were not considered for approval.

Recommendations for Legislative Changes by Task Force Members

Don Blevins stated that some of the smaller counties were experiencing issues with the fiscal courts taking the funds allocated for county clerks use. Chairman Fischer stated that a bill has been drafted to go before the committees during the upcoming Session to address these concerns.

Barry Tuemler, Kentucky Land Title Association (KYLTA), stated that their association supports legislation that would give more uniformity to the process of recording real estate documents in county clerks offices throughout the state. The KYLTA submitted a handout listing their primary concerns to be considered regarding electronic notarizations and electronic recording of real estate documents. The first being uniform access and hours of operation, the second being an electronic filing/search engine implementation deadline, and the third being a grant fund to assist smaller counties to implement the electronic technology. Chairman Fischer agrees that the KYLTA’s request for electronic filing capability in every county by January 1, 2022, and having every county clerk maintain an electronic database accessible to the public by June 30, 2024 would make title work easier.

In response to Chairman Fischer, Mr. Blevins stated that the funding to provide a new database to allow total electronic title searches is available through SB 114. However, some of the smaller counties have not scanned documents as far back in time. Therefore it may take longer to get the database built up. Branden Gross added that this is why it is important to make sure the fiscal courts are not using the funds set aside for these projects. Chairman Fischer advised that he will recommend that the General Assembly sets the end of 2021 as the deadline for county clerks to accept electronic filing.

In response to John McGarvey, Chairman Fischer agreed that staggering deadlines for electronic records databases back to a specified year to be available by the end of 2021, then further back by the end of 2022, and all records available by the end of 2024 is a good idea. Mr. Gross added that commercial

titles require 60 years of recording. Mr. Tuemler stated that Kentucky does not have a marketable title act, however the industry standard is 60 years for a title search on commercial property and 30 years for residential property. Mr. Blevins agreed that staggering the implementation dates is necessary if mandated. To go back 60 years electronically would require probably \$200,000 to \$500,000 worth of third party work for Fayette County. John McGarvey suggested an initial deadline of going back 30 years. Mr. Blevins commented that if a clerk’s office only has a year or two scanned, going back 30 years is a big challenge. Mr. McGarvey asked if the Kentucky Clerk’s Association could provide a spreadsheet indicating the status of each county clerks office. In response to Mr. McGarvey, Mr. Blevins stated that the Kentucky Clerk’s Association could possibly provide a spreadsheet indicating the status of each county clerk’s office. Chairman Fischer stated that it is important to the Commonwealth that Kentucky is competitive with the systems that are in use in other states which have this electronic capability of searching titles.

Chairman Fischer announced that he received a recommendation from the Automobile Dealers Association that there be a centralized lien filing and lien release system available for automobile titles and an electronic title transfer and registration system. In response to Chairman Fischer, Mr. Blevins stated that the software and a centralized system to offer titling automobiles is being put together. The current AVIS centralized system resides on a main frame that the Commonwealth Office of Technology takes care of. Transportation is rebuilding a version that will include a centralized lien handling system which should be in full implementation within 18 to 24 month. In response to Chairman Fischer, Mr. Blevins stated that the system will not preclude or set electronic title transferring and registration as a primary feature. Chairman Fischer stated that there needs to be more research done with the Automobile Dealers Association as to how other states handle automobile title systems. Mr. McGarvey stated that some states offer electronic motor vehicle titles, which is the ultimate step beyond just doing title work and title liens electronically, and that the Uniform Motor Vehicle Title Act has some elements that might be helpful. Mr. McGarvey added that the initial step would be allowing electronic access to a county clerk’s office for the purpose of processing titles and title liens.

Michael Wilson announced that his presentation before the task force in August, 2020 suggested some clean-up items that affected KRS Chapter 423. The proposals would change some of the definitions that are somewhat ambiguous, changing electronic notarization to remote electronic notarization. Electronic notarization as it is currently defined really means an online notarization. It would change the definitions of two of the statutory terms and remove the Uniform Acknowledgment Act which is basically redundant. Chairman Fischer asked that Mr. Wilson

send those proposals to the judiciary staff to be included in the bill this January, 2021.

Debbie Donnelly stated that the clerks association would like to revisit HB 337 for clean-up language with KRS 64.012. Mainly to exempt payment for extra pages and offer a flat fee to the circuit clerk's office when they submit wills to be recorded. Also, to review eRecording of wills. Mr. McGarvey stated that the Uniform Electronic Wills Act will be introduced in the upcoming session, and it includes eNotarization of self-approved wills. Chairman Fischer stated that this would be a separate discussion, but would include elements of interest for this task force. Mr. McGarvey stated that he believes Senator Westerfield is sponsoring that bill. Chairman Fischer noted that the COVID-19 pandemic emboldens people to want to sign their wills remotely.

There being no further business the meeting adjourned at 3:25 PM.

INTERIM JOINT COMMITTEE ON TOURISM, SMALL BUSINESS, AND INFORMATION TECHNOLOGY

Minutes of the 6th Meeting of the 2020 Interim

November 20, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology was held on Friday, November 20, 2020, at 1:00 PM, in Room 171 of the Capitol Annex. Senator Danny Carroll, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Phillip Pratt, Co-Chair; Senators Karen Berg, Denise Harper Angel, Alice Forgy Kerr, Wil Schroder, Mike Wilson, and Max Wise; Representatives Lynn Bechler, Tina Bojanowski, Terri Branham Clark, George Brown Jr, Jeffery Donohue, Deanna Frazier, Chris Freeland, Chris Fugate, Robert Goforth, Jim Gooch Jr., David Hale, Richard Heath, Cluster Howard, Kim King, Michael Meredith, Ruth Ann Palumbo, Josie Raymond, Brandon Reed, Bart Rowland, Steve Sheldon, Maria Sorolis, Cherlynn Stevenson, Ashley Tackett Laferty, Nancy Tate, Richard White, and Rob Wiederstein.

Guests: Nancy Allen Turner, President, Kentucky Association of Convention and Visitors Bureaus; Karen Williams, President and CEO, Louisville Convention and Visitors Bureau; Mary Hammond, Executive Director, Paducah Convention and Visitors Bureau; Lisa Lee, Commissioner, Department for Medicaid Services; Pam Smith, Director, Division of Community Alternatives; Jennifer Harp, Executive Director, Office of Application Technology Services; and Kelli Rodman, Legislative Liaison, Cabinet for Health and Family Services.

LRC Staff: Andrew Manno, Audrey Ernstberger,

Drew Baldwin, and Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 29, 2020, meeting was made by Co-Chair Phillip Pratt, seconded by Representative David Hale, and approved by voice vote.

Update on Local Tourism

The tourism industry is an important part of the Kentucky's economy. Tourism is a key driver of business, sales, and employment, and contributes largely to tax revenue. In 2020 the industry supported over 95,000 jobs and visitor spending generated \$11.8 billion to the state's economy which equated to \$1.5 billion in tax revenue and \$825 million benefiting state and local governments. 2020 was estimated to be a record breaking year for the state tourism industry, but the COVID-19 pandemic caused industry employment, revenues, and spending to plummet. At one point during the pandemic, approximately 75 percent of the industry's workers were either laid off or furloughed. The travel industry across the U.S. will see a total economic loss of an estimated \$1.2 trillion. Since February, Kentucky has lost \$4 billion in visitor spending, \$300 million in federal tax revenue, \$132 million in state tax revenue, and \$46 million in local tax revenue. State hotel occupancy rates are down 35 percent compared to 2019, and average daily rates are down 21 percent. Nationally, 71 percent of hotels in the country will not be able to sustain another six months without additional relief from the federal government. Convention and visitors bureaus were unable to receive CARES Act funding through the Paycheck Protection Program. Therefore, it is vital to the tourism industry to maintain the existing statewide 1 percent transient room tax, local transient room tax, and local restaurant tax.

Update on Louisville Convention and Visitors Bureau

The transient room tax in the city of Louisville is 16.07 percent, and the Louisville Convention and Visitors Bureau receives 4.5 percent of those revenues which makes up 92 percent of the organization's funding in a typical year. As a result of the pandemic, 100 percent of the organization funding is coming from its 4.5 percent of transient room tax revenue. The remainder of the city's transient room tax is divided amongst state sales tax, the Kentucky International Convention Center bond, state lodging tax, the Kentucky Center for the Arts, and incremental tax. The budget for the upcoming fiscal year of 2021 for the Louisville Convention and Visitors Bureau was slated to be \$24.9 million, but after three cuts the revised budget is now \$10.9 million. Of the approximately 60,000 hospitality workers in Louisville, 50 to 60 percent have been furloughed or laid off. From March 2020 to June 2021, 353 groups had either postponed or cancelled events that had been scheduled, which represents a total economic loss of \$353 million and 408,378 hotel room nights. From March 2020 to June 2020, Louisville lost 2,132,006 attraction attendees based on the average attendance for the top 20

attractions and distilleries from the same time period in 2019.

Update on Paducah Convention and Visitors Bureau

The Paducah Convention and Visitors Bureau seeks to create new economic opportunities through destination marketing, destination management, and tourism development. Paducah is a certified U.S. Creative City by the United Nations Educational, Scientific, and Cultural Organization for its craft and folk art. Although COVID-19 has affected tourism in the area, Paducah has seen international visitors throughout the pandemic. There has been an increase in relocation inquiries from those wanting a safe place to work remotely and young adults seeking to return to their hometown. However, hotel occupancy for the first quarter of 2020 was down 18 percent compared to the first quarter of 2019. The Paducah Convention and Visitors Bureau has followed the lead of Kentucky Department of Tourism and embraced new platforms and technology to continue informing the public about the city of Paducah.

Answering a question from Co-Chair Danny Carroll, Karen Williams, President and CEO of the Louisville Convention and Visitors Bureau, stated that all of the information presented regarding business lost was related to the COVID-19 pandemic. During the social unrest in Louisville, the Louisville Convention and Visitors Bureau did reach out to its clients. Some summer business was lost due to people avoiding the Downtown Louisville area.

Replying to Representative Steve Sheldon, Ms. Williams said that any CARES Act funding that may be given to visitors bureaus in the future would be used for marketing and advertising. Nancy Allen Turner, President of the Kentucky Association of Convention and Visitors Bureaus, added that it would be tremendously helpful if the CARES Act funding that was allotted to restaurants and bars upon having to close indoor dining could be expanded to other hospitality and tourism industry partners.

Representative George Brown thanked Ms. Williams and the Louisville Convention and Visitors Bureau for using the term social unrest. He made the point of distinguishing social unrest from riots. Mary Hammond, the Executive Director of the Paducah Convention and Visitors Bureau, indicated the importance of supporting cultural organizations and embracing diversity.

Addressing Representative Lynn Bechler, Ms. Williams stated that one of the charts shown in her presentation displays the average monthly transient room tax for Louisville and a decline began in March 2020.

Responding to a question from Representative Chris Freeland, Ms. Turner emphasized the need for funding to relieve travel and tourism industry partners. There have been a vast number of industry partners that have had to lay off workers or close their businesses.

Co-Chair Danny Carroll stressed that peaceful

and lawful social unrest will not have a major impact on the tourism industry, but riots will cause issues.

Update on Cabinet for Health and Family Services Technology Initiatives

The Office of Application Technology Services (OATS) within the Cabinet for Health and Family Services (CHFS) is responsible for providing CHFS agencies information technology support for cabinet information technology solutions such as design, development, maintenance, operations, technical support, project management, and oversight of vendor developed information technology solutions. OATS manages cabinet systems such as the Integrated Eligibility and Enrollment Solution system, the Medicaid Management Information System, the Medicaid Waiver Management Application, the Kentucky Medicaid Provider Portal Application, the Kentucky Contact Tracing and Tracking system, the Kentucky Automated Support Enforcement System, and many more. A number of COVID-19 related enhancements have been made to some systems in rapid response to federal regulations and leadership direction. Most systems throughout receive regular updates to improve functionality and utilization.

Answering a question from Co-Chair Danny Carroll, the Director of the Division of Community Alternatives, Pam Smith, stated the Medicaid Waiver Management Application (MWMA), which supports end-to-end system processes for Home and Community Based Waiver Programs, recently received implemented changes that allows direct access for service providers. Future updates will include waiver redesigns and providers will be consulted. In response to a follow up question, Jennifer Harp, the Executive Director of OATS, indicated that CHFS has received files from the Office of Unemployment Insurance on individuals receiving unemployment insurance benefits. Staff with OATS has been in contact with those individuals to ensure they are aware of other available benefits and resources through CHFS.

Replying to Representative Kim King, Ms. Harp explained that a person under investigation by the Department for Public Health and local health departments in regards to the Kentucky Contact Tracing and Tracking system may be an individual who has potentially tested positive for COVID-19 but more information is needed for contact tracing purposes.

Senator Karen Berg made comments about the importance of the work the CHFS does with Medicaid and Medicare reimbursements due to the high costs to physicians for billing private insurance companies.

There being no further business, the meeting

adjourned at 2:27 p.m.

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

Minutes of the 6th Meeting of the 2020 Interim

November 19, 2020

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Thursday, November 19, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Senator C.B. Embry Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator C.B. Embry Jr., Co-Chair Designate; Representative Walker Thomas, Co-Chair; Senators Karen Berg, C.B. Embry Jr., Denise Harper Angel, Jimmy Higdon, Dennis Parrett, Wil Schroder, Brandon Smith, Whitney Westerfield, Mike Wilson, and Max Wise; Representatives John Blanton, Myron Dossett, Jim DuPlessis, Chris Fugate, Al Gentry, Mark Hart, Samara Heavrin, Kathy Hinkle, Matthew Koch, Scott Lewis, C. Ed Massey, Patti Minter, Dean Schamore, Attica Scott, Buddy Wheatley, and Lisa Willner.

Guests: Edwin Vincent, Chairman, Joint Executive Council of Veterans Organizations; Larry Arnett, Legislative Officer, Joint Executive Council of Veterans Organizations; Brigadier General (Ret.) Steve Bullard, Executive Director, Kentucky Commission on Military Affairs; Brigadier General (Ret.) Benjamin Adams, Executive Director, Kentucky Department of Military Affairs; Keith Jackson, Commissioner, Kentucky Department of Veterans Affairs; Executive Director Mark Bowman, Kentucky Department of Veterans Affairs.

LRC Staff: Jessica Zeh, Andrew Salman, and Kelsey Lockhart

After roll call was taken, Co-chair Designate Embry introduced newly elected Representative Scott Sharp from the 100th District.

Approval of October Minutes

Representative Lewis moved to approve the October minutes. The motion was seconded by Representative Hart and the minutes were approved.

Resolution

A retirement resolution honoring Senator Robinson for his years of dedication in the General Assembly was presented. Representative Lewis moved to adopt the Resolution. Representative Blanton seconded the motion. The resolution was adopted.

Joint Executive Council of Veterans Organizations

Edwin Vincent, Chairman of the Joint Executive Council of Veterans Organizations (JECVO) testified that he is a retired Air Force veteran and the Senior Vice Commander for the Department of Kentucky

Veterans of Foreign Wars (VFW). He will assume command of the organization in 2021 and work towards making Kentucky the most veteran-friendly state.

Larry Arnett, Legislative Officer of JECVO, testified that this committee has supported Kentucky veterans well over the last 30 years. It is because of this support that JECVO was able to establish four veteran nursing homes, five veteran cemeteries, a Vietnam Veteran bonus, and provide support for veterans' services. JECVO stated their top priority for the 2021 legislative session is strong support of the Kentucky Department of Veterans Affairs (KDVA) budget.

JECVO testified that its second legislative priority is to create a property tax exemption for Veteran Service Organizations (VSO) that are wholly dedicated to advocating on behalf of military veterans. To qualify for this exemption, over fifty percent of the VSO annual net income must be expended on behalf of military veterans and other charitable causes. This includes VFW, Vietnam Veterans of America, AMVETS, the American Legion, Disabled American Veterans, Paralyzed Veterans of America, and Marine Corps League Detachment 729. Representative Koch prefled BR 153 to address this issue and stated that the committee is familiar with the legislation as similar legislation was filed in the last two regular sessions with unanimous support, however it was not able to progress due to the uncertainty of the revenue stream.

Mr. Arnett stated that 31 states already exempt VSO properties from taxation, four of which are contiguous to Kentucky. Kentucky has 304 VSO posts, with at least one in every county. He approximated a \$25,000 loss of revenue from state taxes and \$275,000 loss of revenue for cities and counties. Despite the significant loss of revenue, BR 153 has support from the Kentucky Association of Counties and the League of Kentucky Cities because the charitable contributions and civic involvement they receive from VSO posts exceeds the loss.

In response to a question from Representative DuPlessis, Mr. Arnett stated that there is a meeting scheduled in December to discuss increasing the number of legislative priorities for JECVO and would consider adding military retirement income tax reduction to their legislative priorities.

Kentucky Commission on Military Affairs

Brigadier General (Ret.) Steve Bullard, Executive Director of the Kentucky Commission on Military Affairs (KCMA), testified that they exist to maximize the state's potential as it relates to the Department of Defense (DOD). The key goals they hope to accomplish are: to protect and grow DOD installations and activities; expand the economic impact of Kentucky's defense-related industry; develop and implement the model for transitioning service members, veterans, and their spouses; establish Kentucky as the most military friendly state and grow the veterans and retiree population; and to communicate strategically and gain advocacy.

To achieve these goals maintaining a positive relationship with defense contractors such as Humana, Lockheed Martin, and Raytheon is critical. Kentucky ranks thirteenth in the nation in the amount of contract spending, fourteenth in the nation in defense spending, and on average allocates \$2.8 billion for personnel salaries.

Brigadier General (Ret.) Bullard testified there were many accomplishments in 2020 for KCMA: it established the new V Corps Headquarters at Fort Knox; applied for U.S. Space Command Headquarters; obtained a two-million DOD grant; and assisted with Constituent Services on the Governor's COVID-19 Hotline for five months.

The KCMA presented its legislative priorities which included strong support for KDMA's budget and expressed its support of BR 153. Additional legislative goals include occupational licensing reciprocity, adding military personnel and families to driver's license exemption, authorization and funding for Bluegrass Station airfield, establishment of Uniform Deployed Parents Custody and Visitation Act, inclusion of the Armed Services Vocational Aptitude Battery (ASVAB) test in schools, prohibition of "Patriot Penalty" for deployed personnel, and consideration of full military retirement income tax reduction.

Kentucky Department of Military Affairs

Brigadier General (Ret.) Benjamin Adams, Executive Director of the Kentucky Department of Military Affairs (KDMA) presented the legislative goals for the 2021 legislative session: move the Kentucky Community Crisis Response Board (KCCRB) under the Military Affairs' Division of Emergency Management; establish the Uniform Deployed Parents Custody and Visitation Act and Kentucky National Guard Adoption Assistance Program; implement the ASVAB test in schools; change the Kentucky Educational Excellence Scholarship (KEES) base amount for military transfer students; pass the state-sponsored group life insurance program for Kentucky National Guard (KYNG) members; and prohibit motor vehicle insurance from penalizing deployed service members.

The KDMA also expressed support for coordinating efforts working towards the Bluegrass Station Industrial Airport and BR 241 to encourage veterans to come to Kentucky. Thanks to the efforts of the KDMA and KYNG, over \$84 million has been spent purchasing PPE and testing to assist with COVID-19 relief across the state.

In response to a question from Representative Koch, Brigadier General (Ret.) Adams thanks the committee for its support for Bluegrass Station Industrial Airport.

In response to a question from Senator Higdon, Brigadier General (Ret.) Adams responded that Bluegrass Station is indeed an incredible place and KDMA would like to have the committee members tour the facility and discuss its future.

Kentucky Department of Veterans Affairs

Keith Jackson, Commissioner of the Kentucky Department of Veterans Affairs (KDVA), testified that through July, KDVA successfully avoided any COVID-19 outbreaks in its four State Veterans Homes. All four have followed recommendations from the Center for Disease Control for the duration of the pandemic, with daily screenings for residents and employees. In-person visitation was greatly restricted and virtual options were encouraged with their families. Staffing remained relatively stable throughout the pandemic. The number of VA claims presented each month decreased by two thirds its regular amount due to many people working from home to reduce on-site staffing. The federal government provided KDVA with \$2,910,955 from the Cares Act Provider Relief Fund, and KDVA has used \$1,480,400 thus far, which helped alleviate financial stress from the pandemic. KDVA only hired personnel that assisted its COVID-19 response and stopped overtime unless it directly related to a COVID-19 issue.

The KDVA presented its legislative priorities: amend existing sections of KRS Chapter 40 to create more effective management of the KDVA; amend KRS 164.507 and 164.515 to more closely align Kentucky's education benefits with the U.S. Department of Veterans Affairs; create a new section of KRS Chapter 40 to establish a Veteran Suicide Prevention Program within the KDVA; and create a new section of KRS Chapter 2 to designate June 12 as Women Veterans' Appreciation Day in the Commonwealth.

In response to a question from Representative Minter, Commissioner Jackson stated that KDVA visited several potential sites in Bowling Green last month that were presented by the Chamber of Commerce and are discussing the final location for the Bowling Green Veterans Home. Executive Director Mark Bowman stated that they are reviewing the second site that has been presented, however there is not enough room for the facility. They are asking for more acreage, and if that is not possible KDVA will move onto the next potential site.

Senator Smith commented that there is still a need for a veteran's home in the eastern part of the state, and hopes that KDVA will be able to focus on obtaining a facility near Salyersville in the future as well.

Referred Administrative Regulations

In performing its statutory legislative oversight responsibility, the committee reviewed administrative regulation 017 KAR 001:030 Proposed Nurse Loan Repayment Program upon referral from the Legislative Research Commission under the review process established in KRS Chapter 13A.

There being no further business, the meeting was adjourned at 11:18 AM.

CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

Minutes

November 19, 2020

Call to Order and Roll Call

The Capital Projects and Bond Oversight Committee meeting was held on Thursday, November 19, 2020, at 12:00 PM, in Room 171 of the Capitol Annex. Senator Rick Girdler, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Rick Girdler, Co-Chair; Representative Walker Thomas, Co-Chair; Senators Christian McDaniel and Robby Mills; Representatives Phillip Pratt, Steven Rudy, and Maria Sorolis.

Guests: Elizabeth Baker, Planning Director, University Budget Office, University of Kentucky; Dr. Leslie Sherwood, Assistant Vice President for Research Services, University of Louisville; Mark Watkins, Chief Operating Officer, University of Louisville; Dr. Michael Mardis, Dean of Students and Vice Provost for Student Affairs; Janice Tomes, Deputy State Budget Director, Office of State Budget Director; Scott Aubrey, Director, Division of Real Properties, Department for Facilities and Support Services; Linda Bridwell, Deputy Executive Director, Kentucky Infrastructure Authority; and Ryan Barrow, Executive Director, Office of Financial Management.

LRC Staff: Katherine Halloran, Committee Staff Administrator; Julia Wang, Legislative Analyst; and Jenny Wells Lathrem, Committee Assistant.

Approval of Minutes

Representative Rudy moved to approve the October 21, 2020 meeting minutes. Representative Pratt seconded the motion, and the committee approved without objection.

Information Items

Ms. Halloran referenced two information items. Pursuant to KRS 45.812(1), the Henderson and Shelby County school districts, neither of which needed an additional tax levy to pay debt service, reported upcoming debt issues to finance new projects and the Dayton Independent (Campbell County) school district reported an upcoming current refunding issue.

Pursuant to KRS 65.4931(3), the Louisville Arena Authority reported its operations and financial condition to the committee.

Lease and Project Reports from Postsecondary Institutions

The University of Kentucky

Ms. Baker submitted a lease renewal for UK Healthcare, UK Physical Medicine and Rehabilitation (Cardinal Hill Encompass): 6,379 square feet at \$18 per square foot for an \$114,822 annual base cost with amortized improvements for a maximum \$145,000 total annual cost. The renewal includes additional space for increased client services.

Representative Rudy moved to approve the lease renewal, seconded by Representative Thomas, and approved by unanimous roll call vote.

The University of Louisville

Representative Thomas moved to roll the two new projects into one roll call vote, seconded by Representative Pratt, and approved without objection.

Dr. Sherwood submitted the \$8 million federally funded Medical Tower – 55A Vivarium, animal research facility, project, to be located on the ninth floor of the medical school tower. Mr. Watkins submitted the \$1.3 million J.B. Speed Building Renovation – Phase 1 project, replacing the HVAC system in the basement. The building's infrastructure is over fifty years old and basement space overheats to about ninety-five degrees.

Representative Rudy moved to approve the two new projects, seconded by Representative Pratt, and approved by unanimous roll call vote.

Dr. Mardis submitted the master lease for the Southeast Corridor Residence Hall construction, to be located on Floyd Street close to the university's academic core; a 128 bed facility for student-athletes from the men's and women's basketball and women's lacrosse teams as well as a living learning community for UofL sports administration program majors.

Representative Rudy moved to approve the new lease, seconded by Representative Thomas, and approved by unanimous roll call vote.

Project Report from the Finance and Administration Cabinet

Ms. Tomes reported, pursuant to Part II(4) of the executive branch appropriations bill, allocations totaling \$3.2 million from the bond-funded Facilities and Support Services maintenance pools (2018-2020, 2016-2018, and 2012-2014) for the Halon System Replacement project; replacement of the halon system at the CHFS building and the Commonwealth Data Center. The current fire suppression system does not meet EPA standards and a new system is needed to protect Office of Vital Statistics documents and computer equipment.

Ms. Tomes also reported, pursuant to KRS 45.450(1)9g), a \$2.5 million Emergency, Repair, Maintenance, or Replacement project; the Emergency Replacement Nurse Call System – Western KY Veterans' Center, funded primarily with agency restricted funds with minimal insurance proceeds. The project will replace the nurse call system that was struck by lightning on October 23, 2020. Ms. Tomes referenced the \$6.05 million current line-item authorization, \$4.5 million in restricted funds and \$1.55 million in investment income, to replace the nurse call systems at WKVC as well as the Thomson-Hood and Eastern Kentucky Veterans' Centers. That authorization included \$4.5 in restricted funds and \$1,550,000 in investment income for a total of \$6,050,000. When this original line item project was developed the Finance and Administration Cabinet learned that the Western Veterans' Center did not fit the originally approved project. The emergency project involved temporary repairs that were not in the scope of the original line-item authorization and the cabinet recommended combining the WKVC

nurse call system temporary repairs and replacement under one project.

Lease Report from the Finance and Administration Cabinet

Representative Thomas moved to roll the five lease renewals into one roll call vote, seconded by Representative Pratt, and approved without objection.

Mr. Aubrey submitted five lease renewals under the same terms and conditions; all through June 30, 2029 except for the first renewal, through June 30, 2022: Unified Prosecutorial System, Jefferson County; 24,233 square feet at \$16.55 per square foot for a \$401,056.16 annual cost; Board of Nursing, Jefferson County; 22,010 square feet at \$11.75 per square foot for an \$258,617.52 annual cost; Cabinet for Health and Family Services, Carter County; 14,628 square feet at \$11.89 per square foot for a \$173,926.92 annual cost; Department of Workforce Investment, Hardin and Rowan Counties; 14,054 square feet at \$15.00 per square foot and a \$210,810 annual cost (Hardin) and 8,348 square feet at \$14.89 per square foot for a \$124,301.72 annual cost (Rowan).

Representative Thomas moved to approve the five lease renewals, seconded by Representative Rudy, and approved by unanimous roll call vote.

Mr. Aubrey submitted a Tenant Improvement Fund disbursement request on behalf of all Mayo-Underwood Building, Franklin County, state agency building occupants; power and four-inch core for better cellular coverage with coax gps antenna. AT&T is supplying and installing the antenna, fiber circuit, and hardware. The Division of Real Properties received two bids; \$2,521.38 from Blue Sky Electric and \$1,260.00 from CRM. The tenant agencies requested to proceed with the lower bid. The total cost of improvements to date for this facility is \$7,829.03.

Representative Pratt moved to approve the Tenant Improvement Fund disbursement request, seconded by Representative Thomas, and approved by unanimous roll call vote.

Report from the Office of Financial Management

Kentucky Infrastructure Authority

Representative Rudy moved to roll the three Drinking Water State Revolving Fund (Fund F) Program Loans into one roll call vote, seconded by Representative Pratt, and approved without objection.

The City of Whitesburg, Letcher County, requested a \$2.2 million Fund F loan for its KY HWY 931 Waterline Extension project; 61,000 linear feet of polyvinyl chloride waterline, storage tank, and pump station, for 166 unserved households currently relying on wells or hauled water. For 4,000 gallons, effective July 1, 2019, the monthly water rate is \$24.40. The loan term is thirty years at a 0.25 percent interest rate.

The McCreary County Water District requested a \$270,000 Fund F loan, of which KIA will apply \$135,000 in principal forgiveness, for its Catron/Needle Road Water Line project; 6,550 linear feet of PVC waterline, for nine unserved households with

potentially another 2,500 linear feet along KY 896 for additional unserved households. For 4,000 gallons, effective August 2, 2019, the monthly water rate is \$36.56 with a proposed January increase, pending PSC approval, to \$41.00. The loan term is thirty years at a 0.25 percent interest rate.

The City of Hazard, Perry County, requested a \$1,637,500 Fund F loan for its \$2,437,500 Emergency Tank Replacement project; replacement of the existing Liberty Street tank with two tanks. Governor Beshear designated this project as an emergency project, based upon the Division of Water's recommendation, since engineers deemed the tank, which feeds the entire Hazard system, unsafe after a routine inspection and advised that it be taken out of service. An \$800,000 Appalachian Regional Commission grant will cover the remaining project costs. For 4,000 gallons, effective February 1, 2020, the monthly water rate is \$30.81. The loan term is thirty years at a 0.25 percent interest rate.

Representative Rudy moved to approve the Fund F loans with the McCreary County Water District loan approval contingent upon applicable PSC approvals [including Certificate of Public Convenience and Necessity, debt authorization, and rate increase], seconded by Representative Pratt, and approved by unanimous roll call vote.

Ms. Bridwell informed the committee that KIA offered retroactive principal forgiveness for the City of Whitesburg's other Fund F loan, approved by the committee in September. Due to COVID-19, three utilities did not proceed with drinking water projects for which KIA offered principal forgiveness; therefore, KIA's allocated additional subsidization was below the required amount for federal fiscal year 2019 funding. The city's project was the next one to meet the KIA additional subsidization guidelines detailed in the Intended Use Plan.

Office of Financial Management

New Debt Issues

Representative Rudy moved to roll the three new debt issues into one roll call vote, seconded by Representative Thomas, and approved without objection.

Mr. Barrow submitted three new debt issues, a KHC conduit issue and two postsecondary refundings. The first was the Kentucky Housing Corporation Tax-Exempt Conduit Multifamily Mortgage Backed Bonds (Three Thirty Newtown Apartments Project), Series 2020; 209 units in Lexington. The anticipated sale date is December 15 for net proceeds of \$25 million. KHC conduit debt issues are applied towards the state's private activity volume cap but affect neither the commonwealth's nor KHC's financials as the developer pays the debt service.

The next was the Eastern Kentucky University General Receipts (Forward Delivery) Refunding Bonds, Series 2021A; issuance of around \$11.27 million for net present value savings just over \$1.4 million, 11.3 percent. [In a forward refunding, the issuer waits until ninety days of the prior debt's redemption

date to close the transaction]. The purchaser gave EKV the option to receive upfront savings, which will be placed in a university housing capital reserve fund for improvements and maintenance, with EKV making the same debt service payments as before.

The third was the Morehead State University Taxable General Receipts Refunding Bonds, Series 2020 A; issuance of around \$4.965 million to partially advance refund two series of bonds for net present value savings of around \$591,900, just over ten percent. The \$4.965 million factors the \$1.7 million in cash from the sale of the procurement services center applied towards the transaction, decreasing the borrowed amount.

Representative Thomas moved to approve the new debt issues, seconded by Representative Rudy, and approved by unanimous roll call vote.

In response to Senator McDaniel, Mr. Barrow confirmed that OFM has not submitted prior refinancing transactions utilizing upfront savings for capital improvements and that one of Moody's postsecondary downgrades, partially due to a twelve percent enrollment decline, may not impact the \$8.00 BuildSmart Investment for Kentucky Competitiveness fee.

School District Debt Issues with School Facilities Construction Commission Debt Service Participation

Mr. Barrow submitted one debt issue with SFCC participation. The Bullitt County school district's, which did not need an additional tax levy for debt service, proposed \$21.78 million debt issue for a new elementary school will have around ninety percent district debt service, with SFCC debt service for the remaining \$2.3 million.

Representative Rudy moved to approve the debt issue with SFCC participation, seconded by Representative Pratt, and approved by unanimous roll call vote.

Senator Girdler announced the December 16, 2020 next meeting date.

With there being no further business the meeting adjourned at 12:45 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the November Meeting

November 9, 2020

Call to Order and Roll Call

The November meeting of the Administrative Regulation Review Subcommittee was held on Monday, November 9, 2020, at 1:00 PM, in Room 171 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senators Julie Raque Adams, Alice Forgy Kerr, and Reginald Thomas; Representatives Deanna Frazier, Mary Lou

Marzian, and Tommy Turner.

Guests: Al Duncan, Donna Scrivener, Dennis Shepherd, Department of Veterans' Affairs; Jon Grate, Farrah, Petter, Jim Royse, Auditor of Public Accounts; Beau Barnes, Teachers' Retirement System; Morgan Ransdell, Board of Nursing; Bryan Morrow, Board of Alcohol and Drug Counselors; Clint Quarles, Department of Agriculture; Chad Collins, Julian Tackett, Kentucky High School Athletic Association; Todd Allen, David Couch, Robin Kinney, Marty Park, Laura Raganas, Micki Ray, Matt Ross, Department of Education; Michael "Howdy" Kurtsinger, Jeffrey Walther, Fire Commission; Dale Hamblin, Robert Swisher, Department for Workers' Claims; Joshua Newton, Allyson Taylor, Department of Alcoholic Beverage Control; Bryan Alvey, Kentucky Distillers' Association, Jay Hibbard, Distilled Spirits Council of the US; Marc Guilfoil, Chad Thompson, Jennifer Wolsing, Horse Racing Commission; Robert Heleringer, Attorney; Regina Covington, Doug Hardin, Ambrose Wilson IV, Department of Charitable Gaming; Julie Brooks, Sally Dabb, Donna Little, Kelli Redmon, Department for Public Health; Shannon Stiglitz, Agribusiness Association of Kentucky.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

The Administrative Regulation Review Subcommittee met on Monday, November 9, 2020, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

GOVERNOR'S OFFICE: Department of Veterans' Affairs: Tuition Waiver Program

17 KAR 1:040. Application requirements for tuition waiver programs related to veterans. Al Duncan, director, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 3, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

State Veterans' Nursing Homes

17 KAR 3:050. Drug testing procedures at Kentucky Department of Veterans' Affairs state veterans' nursing homes.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 4 through 6, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Veterans' Service Organization Burial Honor Guard Program

17 KAR 4:030. Veterans' Service Organization Burial Honor Guard Program.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

17 KAR 4:040. Indigent Veterans' Burial Program.

In response to a question by Co-Chair West, Mr. Duncan stated that death from coronavirus (Covid-19) had resulted in the need for more indigent veteran burials. The program had buried fifteen (15) veterans at a cost of \$15,000 so far this year and expected more.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Recognitions

17 KAR 5:020. Kentucky Medal for Freedom.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

AUDITOR OF PUBLIC ACCOUNTS: Audits

45 KAR 1:050. Audits of fiscal courts. Jon Grate, general counsel; Farrah Petter, assistant state auditor; and Jim Royse, director of local audits, represented the Auditor of Public Accounts.

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System

102 KAR 1:340. Calculation of final average salary if there is a corresponding change in position or in length of employment during any of the final three (3) years prior to retirement. Beau Barnes, deputy secretary and general counsel, represented the system.

In response to a question by Co-Chair West, Mr. Barnes stated that the amendments to this administrative regulation clarified provisions established by KRS 161.220(9)(b), which limited member compensation for the purposes of retirement calculation in the three (3) years immediately prior to retirement. There were two (2) exceptions, including if there was an increase in the employee's corresponding length of employment and if there was a change in the corresponding position. A change in corresponding position might be, for example, if a teacher became assistant principal.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1, 3, and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to add distinguishing language; and (3) to add a Section 6 regarding the limitation established by KRS 161.220. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Nursing

201 KAR 20:085. Licensure periods and

miscellaneous requirements. Morgan Ransdell, general counsel, represented the board.

In response to a question by Co-Chair West, Mr. Ransdell stated that these administrative regulations provided for electronic communication with licensees and an audit mechanism for APRN practice review.

201 KAR 20:161. Investigation and disposition of complaints.

Board of Alcohol and Drug Counselors

201 KAR 35:040. Continuing education requirements. Bryan Morrow, attorney, represented the board.

GENERAL GOVERNMENT CABINET: Department of Agriculture: Industrial Hemp

302 KAR 50:013. Repeal of 302 KAR 050:020, 302 KAR 050:030, 302 KAR 050:055, and 302 KAR 050:090. Clint Quarles, attorney, represented the department.

In response to questions by Co-Chair West, Mr. Quarles stated that these administrative regulations had been considered by this subcommittee and by the Interim Joint Committee on Agriculture, along with other related administrative regulations. Changes were made for federal compliance. These represented the last administrative regulations related to Kentucky's Hemp Program currently going through the administrative regulation process.

302 KAR 50:021. Policies and procedures for hemp growers.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Sections 1 through 5, 7, 8, 10, 12, 14, 16 through 19, and 21 through 28 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

302 KAR 50:031. Policies and procedures for hemp processors and handlers.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Sections 1 through 7, 9, 12, and 13 through 21 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 18 to clarify that monetary civil penalties shall be calculated based on the severity of the violation, not to exceed \$2,500 per violation. Without objection, and with agreement of the agency, the amendments were approved.

302 KAR 50:045. Department's reports to USDA; records retention for three years.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

302 KAR 50:056. Sampling and THC testing;

post-testing actions; disposal of noncompliant harvests.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

302 KAR 50:080. Materials incorporated by reference.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education: School Terms, Attendance, and Operation

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics. Todd Allen, general counsel, Kentucky Board of Education; Chad Collins, general counsel, Kentucky High School Athletic Association; and Julian Tackett, commissioner, Kentucky High School Athletic Association, represented the department.

In response to a question by Representative Frazier, Mr. Tackett stated that there was no intended difference pertaining to forms incorporated by reference regarding the use of the terms "gender" and "sex at birth." Some of the forms were developed by the agency, and some were developed by the American Academy of Pediatrics and other groups. Mr. Collins stated that the terms were intended for use in a straight-forward manner.

A motion was made and seconded to approve the following amendment: to amend Section 7 to update material incorporated by reference. Without objection, and with agreement of the agency, the amendment was approved.

702 KAR 7:140E. School calendar.

In response to questions by Co-Chair West, Mr. Allen stated that he did not believe that Senate Bill 177 from the 2020 Regular Session of the General Assembly included statutory authority for this administrative regulation. As school districts reopened to in-person learning, there was a need for increased sanitization, temperature monitoring, and student safety measures related to coronavirus (Covid-19). This necessitated some flexibility to the instructional calendar. This emergency administrative regulation authorized up to thirty (30) minutes per day for coronavirus (Covid-19) prevention instruction and measures.

Office of Learning Programs Development: Office of Instruction

704 KAR 3:303. Required Academic Standards. Todd Allen, general counsel, Kentucky Board of Education, and Micki Ray policy advisor, represented the office.

Academic Standards

704 KAR 8:090. Required Kentucky Academic Standards for Technology. Todd Allen, general counsel, Kentucky Board of Education; David Couch, associate commissioner; and Dr. Marty Park,

commissioner, represented the office.

In response to questions by Co-Chair West, Dr. Park stated that this administrative regulation updated the 2008 technology standards. The office worked with stakeholders to organize technology standards by grade bands.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to comply with the formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Kentucky Fire Commission: Commission on Fire Protection Personnel Standards and Education

739 KAR 2:050. Volunteer fire department aid. Michael Kurtsinger, division director, represented the commissioner.

In response to a question by Representative Frazier, Mr. Kurtsinger stated that this administrative regulation did not add any required training hours. This administrative regulation extended the deadline, giving an extra six (6) months to complete required training.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Section 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Department of Workers' Claims

803 KAR 25:089 & E. Workers; compensation medical fee schedule for physicians. Dale Hamblin, Jr., assistant general counsel, and Robert Swisher, commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 3 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 25:240. Workers' compensation unfair claims settlement practices.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3, 5, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:415. Direct shipper license. Joshua Newton, general counsel, and Allyson Taylor, commissioner, represented the department.

Representative Adam Koenig and Bryan Alvey, senior director of government and external affairs, Kentucky Distillers' Association, appeared in support of this administrative regulation. Jay Hibbard, vice president of government relations, Distilled Spirits Council of the US, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair West, Representative Koenig stated that he supported this administrative regulation and wished to see it proceed quickly through the process.

In response to a question by Co-Chair West, Mr. Alvey stated that Kentucky Distillers' Association supported this administrative regulation.

In response to a question by Co-Chair West, Mr. Hibbard stated that, while the Distilled Spirits Council of the US generally approved of this administrative regulation, there were some specific outstanding concerns, including fulfillment center provisions, tied-house requirements, and the 600-gallon limitation. They wished for this administrative regulation to proceed, but hoped to work further with the agency to make changes in the future.

In response to a question by Senator Thomas, Ms. Taylor stated that this administrative regulation included wine shippers and importers, who would be able to ship in and out of Kentucky if they met the criteria.

Senator Thomas stated that, because his wife was an importer, pursuant to Section 57 of the Constitution of the Commonwealth of Kentucky, he was abstaining from any vote related to this administrative regulation and was not taking a position on the policy.

In response to a question by Representative Marzian, Representative Koenig stated that this administrative regulation included craft breweries and out-of-state wine shippers shipping into Kentucky.

In response to a question by Co-Chair West, Mr. Newton stated that, due to statutory constraints, in-state importers would not be able to get direct shipper licenses.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4, 6, and 7 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1 to add a category of distributor. Without objection, and with agreement of the agency, the amendments were approved.

Department of Charitable Gaming

820 KAR 1:050 & E. Raffles. Doug Hardin, staff attorney, and Ambrose Wilson IV, deputy commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department of Public Health: Communicable Diseases

902 KAR 2:020 & E. Reportable disease surveillance. Donna Little, deputy executive director, Office of Legislative and Regulatory Affairs, represented the department.

In response to questions by Co-Chair West, Ms. Little stated that this administrative regulation added two (2) diseases caused by coronavirus (Covid-19), including SARS-CoV-2 and the Multi-system Inflammatory Syndrome in children, to the list of diseases that required urgent reporting. This was consistent with US CDC guidelines to assist in tracking the true rate of infection. Both positive and negative test result reporting was required. This testing was for both adults and children. Laboratories and physicians performed the reporting.

Maternal and Child Health

902 KAR 4:030. Newborn screening program.

In response to a question by Representative Marzian, Ms. Little stated that the twenty-seven (27) dollar increase for testing was the result of new tests required by statute.

Sanitation

902 KAR 10:036. Repeal of 902 KAR 010:035.

Food and Cosmetics

902 KAR 45:110. Permits and fees for retail food establishments, vending machine companies, and restricted food concessions.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Milk and Milk Products

902 KAR 50:050. Manufacturing plant requirements.

902 KAR 50:071. Repeal of 902 KAR 050:070.

902 KAR 50:080. Standards of identity and labeling.

902 KAR 50:090. Milk adulteration.

902 KAR 50:120. Unpasteurized goat milk.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3 through 6, 8, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the November 9, 2020, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:050. Licenses and permits; fees.

201 KAR 2:105. Requirements for wholesalers, medical gas wholesalers, wholesale distributors, and virtual wholesale distributors.

201 KAR 2:106. Licensed or permitted facility closures.

201 KAR 2:225. Special limited pharmacy permit – medical gas.

201 KAR 2:240. Special limited pharmacy permit- charitable.

201 KAR 2:320. Requirements or manufacturers and virtual manufacturers.

Board of Optometric Examiners

201 KAR 5:140. Dispensing.

Board of Architects

201 KAR 19:215. Accredited schools and colleges.

201 KAR 19:220. Application for examination.

201 KAR 19:225. Examinations required; general provisions.

201 KAR 19:230. Reexamination; reconsideration.

201 KAR 19:235. Reciprocity; registration without examination.

201 KAR 19:240. Resident licensed in another state; reciprocity.

201 KAR 19:245. Duplicate certificates.

201 KAR 19:250. Temporary licensing not permitted.

201 KAR 19:255. Fees.

201 KAR 19:260. Professional practice standards; violations, penalties.

201 KAR 19:265. Individual seals; office titles.

201 KAR 19:270. Plans and specifications standards.

201 KAR 19:275. Use of title "architect".

201 KAR 19:410. Accredited schools and colleges for certified interior designers.

201 KAR 19:415. Application for certification as an interior designer.

201 KAR 19:420. Qualifications for certification.

201 KAR 19:425. Limited period of certification by prior experience.

201 KAR 19:430. Certification by persons credentialed in other jurisdictions.

201 KAR 19:435. Certification renewal.

201 KAR 19:440. Fees for certification of interior designers.

201 KAR 19:445. Continuing education.

201 KAR 19:450. Signature of documents by certified interior designers; use of title.

201 KAR 19:455. Unprofessional conduct.

Board of Licensure of Marriage and Family Therapists

201 KAR 32:035. Supervision of marriage and family therapist associates.

COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Board of Emergency Medical Services

202 KAR 7:201. Emergency Medical Responders.

202 KAR 7:301. Emergency Medical Technician.

202 KAR 7:330. Advanced Emergency Medical Technician.

202 KAR 7:401. Paramedics.

202 KAR 7:601. Training, education and continuing education.

TRANSPORTATION CABINET:

Department of Vehicle Regulation: Administration

601 KAR 2:231. Repeal of 601 KAR 002:030.

601 KAR 2:232 & E. Kentucky Ignition Interlock Program.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education: General Administration

702 KAR 1:190E. District employee emergency leave.

Facilities Management

702 KAR 4:090. Property disposal.

PUBLIC PROTECTION CABINET: Horse Racing Commission: Licensing

810 KAR 3:020. Licensing of racing participants. Marc Guilfoil, executive director; Chad Thompson, deputy general counsel; and Jennifer Wolsing, general counsel, represented the commission. Robert Heleringer, attorney and former Kentucky Representative, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair West, Ms. Wolsing stated that this administrative regulation made three (3) changes to provisions for the licensure of racing participants. A licensee would fail to meet the financial responsibility requirements if he or she failed to satisfy any final, non-appealable judgment related to horse racing, even if it related to a non-licensed racing participant. A licensee would no longer have to domesticate out-of-state judgments in order to bring the judgment to the attention of the commission. Additionally, anyone could bring a final judgment to the attention of the commission, not just a successful complainant.

In response to a question by Co-Chair West, Mr. Heleringer stated that he was opposed to this administrative regulation, which represented a huge expansion of authority. While this administrative regulation pertained to a former client, Mr. Heleringer was not appearing on behalf of any client. Financial responsibility was important for security at the track; however, the sole purpose for this change was retaliation against Mr. Heleringer's client after a judicial decision to which the commission was opposed. An owner or trainer, especially should be financially responsible. The current version of this administrative regulation covered licensee financial responsibility needs. A former client had a civil judgment issued in Ireland. That judgment was domesticated in California and Kentucky. The client had entered into an agreement to pay the judgment. Payments were being made monthly; however, the client was denied an owner license in Kentucky on the basis of financial irresponsibility. Mr. Heleringer argued to the commission in this case, that this administrative regulation did not apply in the case of his client, because breeders were not required to be licensed in Kentucky. Franklin Circuit Court agreed that the commission did not have the authority to

invoke the financial responsibility requirements against his client. As a result, the commission issued a license. Then, the commission filed this version of the administrative regulation, which would allow the commission to revoke or refuse renewal of that license. If this version became effective, the commission could become a de facto collection agency, which was far afield of the purpose of the commission. The term "related to horse racing" was not defined and seemed overly broad. For example, a spouse suing for child support could be interpreted as being "related to horse racing" if one (1) of the spouses was affiliated with the industry.

In response to a question by Co-Chair West, Ms. Wolsing stated that this administrative regulation was not intended as retribution and the commission was within its statutory authority to promulgate this policy. Financial irresponsibility could have a negative impact on the integrity of horse racing in Kentucky. The commission would not be part of any collection process, and this administrative regulation did not apply to appealable judgments. These requirements were not expected to overwhelm the commission. This administrative regulation passed unanimously, with only one (1) abstention, at the commission meeting.

Senator Thomas stated that, for the purposes of disclosure, he owned race horses. It was important to maintain the enthusiasm, integrity, and prestige of the horse-racing industry by ensuring financial responsibility. Many professional licensure boards sanctioned licensees for matters of financial irresponsibility. In response, Mr. Heleringer stated that a license could be revoked even if a settlement had been reached if full satisfaction had not yet been made. The current version of this administrative regulation was for the purpose of ensuring financial responsibility pertaining to those at the track backside. This change would allow matters from anywhere to be brought to the commission. Senator Thomas stated that human nature dictated that a person who would not pay one (1) debt would likely not pay other debts.

In response to questions by Representative Frazier, Mr. Heleringer stated that most states with a horse-racing industry had a financial responsibility statute. Most states interpreted those requirements as applying to matters between horse-racing licensees. This change to the administrative regulation would broaden the matters that could apply. Ms. Wolsing stated that most horse-racing industry states did have financial responsibility requirements. The commission was broadening requirements to apply to non-licensed horse-related entities, as well as those who were licensed. The commission was not expanding beyond its jurisdiction; however, it was including judgments related to non-licensed entities.

In response to a question by Representative Marzian, Mr. Heleringer stated that his client was in the process of paying the settlement and had his licensed denied until the court case. Representative Marzian stated that this administrative regulation seemed like overkill and it might be prudent for the

agency to defer consideration of this administrative regulation to the December subcommittee meeting.

In response to a question by Senator Kerr, Mr. Heleringer stated that the current version of this administrative regulation adequately addressed financial responsibility related to the track backside. This version of this administrative regulation expanded financial responsibility provisions to include basically all matters anywhere if the aggrieved party is in any way related to the horse-racing industry. The volume of potential litigation cases might overwhelm the commission.

Senator Kerr stated that she had concerns similar to those of Representative Marzian. In response Jennifer Wolsing stated that the commission did not anticipate an overwhelming number of cases that would burden the commission.

Senator Raque Adams stated that it might be prudent to add a definition for the term, "related to horse racing," in order to clarify and narrow requirements.

In response to questions by Co-Chair West, Ms. Wolsing stated that enforcement of this administrative regulation was triggered by someone bringing to the attention of the commission, a final, non-appealable judgment rendered against one (1) of the commission's licensees if the judgment related to the horse-racing industry. Action would not be taken pertaining a judgment that had been satisfied or was appealable.

Co-Chair West stated concerns regarding equal protection. This administrative regulation seemed to need clarification.

Senator Thomas stated that it seemed as if this subcommittee was attempting to prejudge a licensure revocation proceeding. The outcome of a licensure revocation was not directly mandated.

In response to a request by Co-Chair West, Senator Kerr, and Representative Marzian, Ms. Wolsing agreed to defer consideration of this administrative regulation to the December meeting of this subcommittee. A motion for deferral was made and seconded. Without objection, and with agreement of the agency, this administrative regulation was deferred.

CABINET FOR HEALTH AND FAMILY SERVICES: Department of Public Health: Vital Statistics

901 KAR 5:120. Abortion reporting.

Communicable Diseases

902 KAR 2:210E. Covering the face in response to a declared national or state public health emergency.

Local Health Departments

902 KAR 8:160 & E. Local health department operations requirements.

902 KAR 8:170 & E. Local health department financial management requirements.

Sanitation

902 KAR 10:030. Registered environmental health specialists and sanitarians.

Food and Cosmetics

902 KAR 45:180. Permits and fees for food

processing plants, food storage warehouses, salvage processors and distributors, cosmetic manufacturers, and certificate of free sale. Sally Dabb, supervisor of food manufacturing, Food Safety Branch, and Donna Little, deputy executive director, Office of Legislative and Regulatory Affairs, represented the department. Shannon Stiglitz, senior vice president of government affairs, Agribusiness Association of Kentucky, appeared in opposition to this administrative regulation.

In response to a question by Representative Frazier, Ms. Little stated that the department initially wanted to revise the food processing establishment fee structure to be based on the total gross sale income of the establishment. Numerous concerns were submitted from stakeholders during the public comment period regarding the new fee structure; therefore, the department further amended this administrative regulation as part of the Statement of Consideration process. In the Amended After Comment version, the fee structure was changed to be based on the total sales and the highest risk of the food processed at the establishment. Those processors that make a high-risk food but have less than \$100,000 in yearly gross income will pay no more than \$250 per year. Processors that make a high risk food and have greater than \$1,000,000 in yearly gross income will pay up to \$2,800 per year. This was commensurate with the federal framework.

In response to a question by Co-Chair West, Ms. Stiglitz stated that Agribusiness Association of Kentucky was opposed to this administrative regulation. The term, “gross income,” was confusing because it was unclear if this meant “gross revenue” or “net profit.” Fees were being dramatically increased. For example, grain elevators previously were low risk. Now, depending on gross income, the fee might be even higher than before the public comment period. It was difficult to understand how gross income related to a public health matter. The food business operated on a tight margin; therefore, cost increases will be passed on to consumers. Grain elevators were inspected by the department and federal regulators, as well as the Department of Agriculture. In these uncertain economic times with food insecurity issues, it did not seem to be the appropriate time to significantly raise these fees. Agribusiness Association of Kentucky requested that the fee be lowered.

In response to questions by Co-Chair West, Ms. Little stated that House Bill 129 from the 2020 Regular Session of the General Assembly, established a time limit for increasing related fees. The department wanted to file both administrative regulations simultaneously; therefore, this proposed fee structure change was included. None of the fee increases would take effect prior to the 2022 billing cycle. This administrative regulation served to give early notice that these fee changes would be forthcoming. The current fees did not suffice to meet the department’s costs. Even after this change, the fees would be insufficient. KRS 217.125 required the

department to establish fees to cover the costs of the program. The department agreed to submit budgetary deficit information to the subcommittee.

In response to a question by Co-Chair West, the department agreed to defer consideration of this administrative regulation to the December meeting of this subcommittee. A motion for deferral was made and seconded. Without objection, and with agreement of the agency, this administrative regulation was deferred.

Milk and Milk Products

902 KAR 50:040. Hauler requirements.

Department for Behavioral Health, Developmental and Intellectual Disabilities: Substance Abuse

908 KAR 1:381. Repeal of 908 KAR 001:380.

908 KAR 1:400. Licensing and standards for substance use and misuse prevention.

Department for Community Based Services: Supplemental Nutrition Assistance Program

921 KAR 3:035 & E. Certification process.

Child Welfare

922 KAR 1:450 & E. Eligibility confirmation for tuition waiver.

922 KAR 1:500. Educational and training vouchers.

922 KAR 1:520 & E. Supplements to per diem rates.

The subcommittee adjourned at 2:50 p.m. The next meeting of the subcommittee is tentatively scheduled for December 3, 2020, at 1 p.m.

PUBLIC PENSION OVERSIGHT BOARD

Minutes of the 6th Meeting of the 2020 Interim

November 17, 2020

Call to Order and Roll Call

The 6th meeting of the Public Pension Oversight Board was held on Tuesday, November 17, 2020, at 1:00 PM, in Room 171 of the Capitol Annex. Representative Jim DuPlessis, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Jim DuPlessis, Co-Chair; Senators Christian McDaniel, Gerald A. Neal, Dennis Parrett, Wil Schroder, and Mike Wilson; Representatives Joe Graviss, Jerry T. Miller, Phillip Pratt, Steven Rudy, Russell Webber, and Buddy Wheatley; John Chilton, Joseph Fawns, Mike Harmon, John Hicks, James M. “Mac” Jefferson, and Sharon Mattingly.

Guests: Bo Cracraft, Legislative Research Commission; David Eager, Executive Director, and Kathy Rupinen, Interim Executive Director of Legal Services, Kentucky Retirement Systems.

LRC Staff: Brad Gross, Bo Cracraft, Jennifer Black Hans, and Angela Rhodes.

Approval of Minutes

Representative Miller moved that the minutes of the September 22, 2020 meeting be approved.

Representative Pratt seconded the motion, and the minutes were approved without objection.

Representative DuPlessis announced that Bo Cracraft, Legislative Research Commission (LRC) Staff, has accepted the position of Executive Director with Judicial Form Retirement System.

Semi Annual Investment Review – Legislative Research Commission

Bo Cracraft, LRC, provided a semi-annual investment review. He began by providing a summary of total assets managed across the Kentucky Retirement Systems (KRS), Teachers’ Retirement System (TRS), and Judicial Form Retirement System (JFRS). Collectively, total pension and insurance assets totaled \$40.8 billion as of June 30, 2020, which was an increase of over \$600 million from the prior year. Mr. Cracraft provided pie charts showing the total by each retirement system.

Mr. Cracraft discussed the performance across various investment markets and provided index returns for several major asset classes. Mr. Cracraft noted that there were only two asset classes that provided returns above 7 percent. He noted that even within asset classes, the range of winners was narrow. For instance, US Large Cap was at 7.5 percent, and US Small Cap was at -6.6 percent. Mr. Cracraft added that even with positive returns, it was a difficult year for managers and asset allocation given the limited areas of growth.

In response to a question from Representative Miller, Mr. Cracraft stated that public real estate was publically-traded real estate investment trusts, or what are called REITS within the industry.

Next, Mr. Cracraft discussed plan specific performance for KRS, TRS, and JFRS. First, he began with a slide that displayed annual fiscal year returns for the past 23 years. He noted that, while not reflected in the slide, staff had data for KRS and TRS dating back to 1987 and that neither of the plans had experienced a negative fiscal year return until 2001. Next, he reviewed a slide that provided trailing 1-, 3-, 5-, 10-, and 20-year performance for each plan relative to its assumed rate of return and policy benchmark, as well as three peer groups. He referenced the narrow market performances and noted that plans, like JFRS and TRS, which had a larger cap within US Equity, also reported the strongest returns.

In response to a question from Representative DuPlessis regarding whether any plans might need to change their expected rate of return in the near future, Mr. Cracraft stated that plans do find themselves in a lower expected return environment, and this has forced many to lower return assumptions. He referenced KRS and JFRS, which had made changes in the past couple of years, and stated that TRS was conducting an experience study and would be making a decision about its assumption soon.

Mr. Cracraft began a discussion on asset allocation by noting that, historically, a plan’s asset allocation decisions will drive 90 percent of its returns. He then provided some research that had been

conducted by Callan Associates, which compared asset allocation decisions over the past 30 years and how plans had been forced to increase complexity and add risk in order to meet the same return target. Lastly, Mr. Cracraft referenced the BNY Mellon U.S. Master Trust Universe Median Quarterly Peer Group data as of June 30, 2020, which reported trailing period returns across the full peer group, as well as underlying plan types. He noted the wide range of returns over the year, as well as the fact that public plans had uncharacteristically outperformed endowments and foundations over the past 5- and 10-year periods.

In response to a question from Mr. Chilton regarding how risk was measured in the Callan research, Mr. Cracraft stated the research utilized standard deviation of returns as the measurement of risk.

In response to a question from Representative DuPlessis with regard to how plans mitigate risk, Mr. Cracraft stated that he believes that pension systems should try and have a long term perspective and be able to manage assets with that perspective of 10 to 15 years. However, a plan's cash flow and funding situation can limit that ability, and so, plans try to mitigate risk by using alternatives or managing volatility. Representative DuPlessis commented that some investors are risk adverse and would rather take a little less pay, but have comfort knowing it is going to be there at retirement.

In response to a question from Representative Miller regarding risk and return assumptions, Mr. Cracraft clarified that none of the state plans were invested as heavily in growth assets as reflected in the Callan Research. However, the research did show that tougher decisions were required in the lower rate environment in which investors were finding themselves. Given inflation and current yields, investors have had to either reduce return expectations or add more growth assets to reach existing targets. He referenced recent surveys and noted how many plans had reduced assumptions given the trend in market expectations.

Next, Mr. Cracraft provided a review of investment fees for the three retirement systems as of June 30, 2020. He noted that the management fees for KRS has dropped from 48.5 to 39.9 bases points and have recently approved new allocations and have eliminated hedge funds. He noted that the KRS incentive fees did drop significantly, but it was largely due to a timing issue and the first quarter of 2020, which was down and resulted in negative incentive fees due to clawback accruals. He stated that, while KRS closed their fiscal year on June 30, most general partners use a calendar year close, so the March quarter would be the first quarter of their new fiscal year. He stated that TRS management fees have been stable at 30 bases points, and JFRS remains stable since its renegotiation in 2017.

Mr. Cracraft discussed cash flow and provided a summary of some comments from the prior year's

study. He noted that more plans are having to manage negative net cash flow as they mature, see the number of retirees grow, and see benefit payments increase. He discussed how negative cash flow was not necessarily implying trouble, but that measuring cash flow as a percent of plan assets could serve as a warning sign.

In response to a question from Representative DuPlessis regarding TRS negative cash flow and its funding policy, Mr. Cracraft stated that a poorly funded plan could not handle negative cash flow, while a fully funded plan would be expected to have negative cash flow due to declining contributions. He identified TRS, which is just under 60 percent funded, as a plan that would fall in between those examples and stated that he believed TRS had manageable negative cash flow, but that he would like to see its trend improve.

Mr. Cracraft continued with the cash flow summary that showed comparisons from the 2019 cash flow to June 30, 2020, with a mix of negative and positive cash flows, but with most plans similar to the prior year.

In response to questions from Senator Higdon regarding TRS reporting carried interest, Mr. Cracraft stated that there has been a lot of discussion regarding TRS reporting carried interest, but that TRS had not provided any information. In response to a follow up question, Mr. Cracraft stated that TRS does not have any absolute return assets, and therefore, there were no fees to report for them in that asset class.

In response to questions from Representative DuPlessis, Mr. Cracraft stated that TRS paid \$60 million in management fees in addition to any carried interest or other incentive fees.

In response to a question from Representative Graviss regarding TRS not reporting carried interest, Mr. Cracraft stated TRS views carried interest as profit sharing and not a fee and believes that it is exempt from reporting. Representative Graviss commented that the actuarial timeline is 30 to 40 years, yet these plans' timelines are at 20 years, and he believes they should match up with the actuaries. Representative Graviss also commented that he believes more attention should be made looking at the portfolio allocation with risky assets and the amount of fees required.

Representative Miller commented that once the actuarial reviews take place, the TRS board will likely vote to change their assumptions, and the cost to the state could increase by a half a billion dollars, which would get TRS closer to cash flowing.

Legislative Proposal Discussion

Representative Miller invited David Eager and Kathy Rupinen with KRS to discuss BR 14 (Prefilled bill), which is a housekeeping bill and a descendant of HB 207 from the 2020 session. Ms. Rupinen discussed three provisions of BR 14: 1) an amendment to KRS 61.640 and KRS 16.578 to restore language that was deleted on accident by 2009 amendments regarding payment options for death prior to retirement; 2)

an amendment to KRS 61.540(1) to change "shall" to "may" to make the section consistent with other administrative provisions; and 3) an amendment to the implementation date to reflect December 2019 for an amendment that was made in 2017 on how a service purchase costs are calculated. Mr. Eager discussed an amendment establishing a floor for pension spiking.

In response to a question from Ms. Mattingly regarding the benefit of retroactivity of the implementation date of certain BR 14 provisions, Ms. Rupinen stated that it would prevent KRS from making changes that could adversely impact members.

Representative Miller discussed BR 17 (Prefiled bill). He stated that BR 17 is like the original HB 194 from 2020. It would ensure actuaries are evaluating the financial impact of bills to 30 years rather than 20 years and establish a standard reporting feature for actuarial analyses from the systems. He stated that the LRC would like to implement these changes as a policy matter, if the Public Pension Oversight Board (PPOB) will recommend it.

Mr. Cracraft discussed the standard actuarial analysis template form for BR 17. He stated that it would be a short two page analysis that would accompany the full analysis to aggregate key data.

Representative Graviss commented that the liability timeline needs to match the investment timeline. He stated that employers are suffering with higher rates due to the unmatched timelines.

Representative DuPlessis discussed BR 424 (draft). He stated it is a continuation of HB 171 from 2020, relating to the allocation of the employer cost of the unfunded actuarial liability (UAL) for Kentucky Employees Retirement System (KERS) nonhazardous. He gave the highlights of the bill: 1) it eliminates the incentive to reduce payroll to avoid paying contributions; 2) it sets up a fixed allocation system for payment of UAL, which helps solidify budgets going forward; 3) for all new hires, the employer's cost will go to normal cost of roughly 10 percent of pay, which could incentivize bringing people back into the system; and 4) by reallocating costs, some employers will see an increase and some will see a decrease. Representative DuPlessis stated that GRS Consulting comments were: "We believe this legislation will significantly reduce the System's risk of receiving insufficient contributions because employers will no longer be able to reduce their pension cost by reducing their covered payroll. In summary, we believe this legislation will result in an improved and sustainable funding policy for the KERS Non-Hazardous system."

Representative Graviss commented that he believes BR 424 is a good bill and hopes that it will pass.

Senator Parrett discussed BR 460 (draft). He stated this bill relates to omitted service in KRS and the impact it has on benefits for a member who has retired from the TRS. Omitted service credit occurs when a KRS employer fails to report a full time employee's service as required by law and the employee does

not receive the benefits that are due. Current law provides for a mechanism to restore benefits in most situations even when the omitted service is detected after retirement by paying the contributions that would have been due. However, if a member has retired from TRS and the KRS omitted service is paid for after TRS retirement, then the benefits are not the same since reciprocity provisions do not apply. The measure works to address this issue so that the omitted service would have the same value of service that was reported on time, but only for those TRS retirees who had returned to work after retirement to build upon their current TRS account. The bill will be retroactive in application to December 31, 2009.

Representative Wheatley discussed BR 411 (draft). He stated this bill passed the House of Representatives last year as HB 104, and it deals with retirement beneficiaries. The bill would allow a change of beneficiary after retirement when a person marries or remarries, which affects a lot of people. Also, the naming of the new spouse as beneficiary and selection of an optional survivorship benefit, will cause the system to reannuitize their pension calculation, but it cannot have any negative financial impact on the pension system. The next change will allow retirees who are currently receiving the basic or a period certain optional benefit that was chosen upon retirement to also make a change to their beneficiary. However, this change will not affect the benefit amount the retiree receives, will not require reannuitization, and will not affect the system in any way.

Representative DuPlessis stated that he and Senator Higdon are recommending that the LRC require the state-administered retirement systems: (1) to extend their evaluation period from 20 to 30 years on all actuarial analyses completed by their actuaries for the 2021 regular session and thereafter, and (2) to utilize a uniform standard format/summary approved by the PPOB on all actuarial analyses completed by their actuaries for the 2021 regular session and thereafter. Representative DuPlessis moved that the Actuarial Analysis Template be approved. Representative Miller seconded the motion, and the recommendation was approved by voice vote (roll call vote: 14 yeas, 0 nays).

With no further business, the meeting was adjourned. Next scheduled meeting will be December 14, 2020.

CLASSIFICATION OF WORKERS IN THE CONSTRUCTION INDUSTRY TASK FORCE

Minutes of the 4th Meeting of the 2020 Interim

November 16, 2020

Call to Order and Roll Call

The 4th meeting of the Classification of Workers in the Construction Industry Task Force was held on Monday, November 16, 2020, at 9:00 AM, in Room 171 of the Capitol Annex. Senator Matt Castlen, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Matt Castlen, Co-Chair; Representative Jason Nemes, Co-Chair; Senators Karen Berg; Representatives Terri Branham Clark and Sal Santoro; Jason Clark, Spencer Coates, Billy Doelker, Tommy Gumm, Marty Hammons, Patrick Jennings, Ken Lyons, Gary Morris, Kevin Sell, Allyson Smith, and Robert Swisher.

Guests:

LRC Staff: Andrew Manno, Audrey Ernstberger, Drew Baldwin, and Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 14, 2020 meeting was made by Representative Sal Santoro, seconded by Billy Doelker, and approved by voice vote.

Discussion of Issues and Possible Solutions

Billy Doelker, President of the Kentucky Home Builders Association (HBA), noted that all contractors rely upon subcontractors to complete projects. When builders hire a contractor, they have a checklist of information that is required, including proof of workers' compensation insurance. The system works well and most contractors do things the correct way. He noted it was not common for someone to be without workers' compensation insurance. From the HBA perspective, classification of workers is not a big topic or an issue of concern. The misclassification issue is broader than just the construction industry. There are laws on the books to address misclassification issues. Most in the industry are following the rules.

Tommy Gumm, a representative of the Associated General Contractors (AGC), indicated that independent contractors perform a viable function in Kentucky's economy and provide specialized skill to job sites. There are advantages to the independent contractor system, such as flexible schedules. Independent contractors are small businesses. Contractors may be utilizing independent contractors on many different jobs at the same time. It would be frightening to have different standards on different jobs. Any changes should be universal and apply across all industries. The AGC is opposed to employers who misclassify employees or pay cash to workers. The public construction industry is already highly regulated with emphasis on workers'

compensation, taxes, and bonding. Enforcement has been hampered by the pandemic. The current authority within governmental agencies is sufficient. What is needed is information sharing between agencies and full funding of enforcement.

Kevin Sell, a representative of the Associated Builders and Contractors (ABC), noted that ABC supports free enterprise and open competition, fair compensation with wages based on individual or collective bargaining, and responsible stewardship by the government. Use of 1099 Forms is broader than just the construction industry. There is no real data to support any legislative action at this time. The stories presented to the task force are anecdotal. For action to be taken, much more information is needed. At this point, there is no data regarding the prevalence of the problem or how any solution would be funded. Data mining and sharing must occur. A common definition of employee may be a starting point. ABC does not recommend any legislation at this point and asks that none go forward at this time.

Jason Clark made comments about personally witnessing misclassification of construction workers and said it is a disservice to the people of the Commonwealth.

Co-Chair Jason Nemes indicated that he wanted to move forward with drafting legislation to address the massive issue of misclassification.

Co-Chair Matt Castlen stated that the issue may not need to be addressed by the General Assembly, but instead executive branch agencies.

There being no further business, the meeting adjourned at 9:29 a.m.

PROPERTY VALUATION ADMINISTRATOR'S OFFICE TASK FORCE

Minutes of the 5th Meeting of the 2020 Interim

November 9, 2020

Call to Order and Roll Call

The 5th meeting of the Property Valuation Administrator's Office Task Force was held on Monday, November 9, 2020, at 3:00 PM, in Room 171 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; Representative Randy Bridges, Co-Chair; Senators Denise Harper Angel and Michael J. Nemes; Representatives Samara Heavrin and Nima Kulkarni; and Tom Crawford.

Guests: Cynthia Brown, Legislative Committee Analyst Appropriations and Revenue Committee, Legislative Research Commission

LRC Staff: Cynthia Brown, Jennifer Hays, and Chase O'Dell

Approval of Minutes

A motion was made by Representative Bridges,

seconded by Senator Nemes, to approve the minutes of the October 20, 2020, meeting. The motion passed by voice vote.

Discussion of the Draft Report of the Property Valuation Administrator's Office Task Force

Cynthia Brown, Legislative Committee Analyst Appropriations and Revenue Committee, Legislative Research Commission, discussed the draft report of the Property Valuation Administrator's Office Task Force.

Ms. Brown reviewed the major objectives of the task force, including studying the operations of PVA offices to identify best practices, studying the funding of these offices, and studying PVA job duties.

Statute requires that a PVA be elected in each county for a four year term. The constitution requires that a PVA must meet certain qualifications, such as being at least 24 years old and a resident of Kentucky. A majority of PVAs are in their first two terms.

The Department of Revenue (DOR) is required by statute to offer a training program for PVAs. PVAs receive financial training incentives to complete the training.

The Formula for Allocation of Deputies (FAD) is used to determine how many deputies a PVA office can hire. PVAs must wait 90 days before hiring a new deputy when a vacancy arises.

Deputies can also attend the training offered by DOR. Some PVAs provide in-house training.

PVAs assess real estate parcels, administer the homestead exemption, transfer property records, provide correct addresses for tax assessments, handle tangible property tax returns, and assess vehicles, boats, and campers. PVA offices are also responsible for record keeping. Records include real property appraisals and exemptions, maps, sketches, photos, tangible property data, and more.

PVA offices are funded through four major sources: state appropriations, county appropriations, appropriations from cities that elect to use the PVA assessment, and miscellaneous income received from charging fees, printing tax bills, or from interest.

The general fund appropriation goes towards personnel costs, but it does not cover all personnel costs for PVA offices. The PVA uses local funds to supplement. A portion of local funds are sent to the state to compensate for extra payroll costs. The remaining local funds go towards operating expenses.

The largest expense for PVA offices are personnel costs. For 2020, the total cost of personnel funding exceeded \$67 million.

Some PVA offices use electronic records. Most PVAs have a website. Some PVA offices are charged for their website, while others are not. Some offices can charge a subscription fee for using the website, while others cannot. In some counties, PVAs share software with the sheriff's office and the county clerk.

By statute, PVAs have several approaches they can use to determine the fair cash value of a

property. DOR certifies PVA assessments by using an assessment/sales ratio study.

To appeal the PVA's assessment, a property owner must first go through a PVA conference, and then through the local and state boards of assessment appeals.

Dark store appraisal theory applies to commercial properties that are valued the same regardless of whether they are vacant or currently in operation.

Most libraries are funded through a local property tax rate. Some are funded through a county budget. Fire districts are also funded through a tax rate, but the rate is capped at ten cents. Some fees can be charged for services.

The PVA association has requested that a dedicated funding stream be allocated to PVAs. The association's recommendation is that a percentage of the state real property tax rate be allocated directly to PVA offices. Some PVAs have suggested that Special Purpose Governmental Entities (SPGEs) should be charged a fee for using the property tax rolls. The PVA association suggested that the amount that counties and cities pay for using the tax roll should be increased, either through a CPI that gradually increases every year, or that the caps be increased. The association also suggested that a fee be attached to property tax bills on motor vehicles.

The PVA association suggested that the tangible personal property tax return should be e-filed. The return could go directly to DOR to eliminate costs for personnel to type the returns. Another suggestion was that internet service costs and speeds be analyzed. The association also recommended that taxpayers use an email address for correspondence from the PVA to cut down on the cost of postage and mailing.

Jeffrey Kelley suggested the following: PVA offices plan out their work to reduce redundancy; the property tax calendar be expanded; KRS 133.120 be amended; and PVAs be provided access to digital storage for record keeping.

Cindy Arlinghaus Martin recommended that all PVAs should have oblique aerial imagery to help better their assessments. Tom Crawford suggested that local offices share technology systems to transfer information easily. Mack Bushart testified that master agreements for commonly used software could cut costs.

Recommendations were also given by PVAs to allow online training courses to cut travel and personnel costs. Andrew Powell recommended a legislative change to address the dark store appraisal theory.

Representative Bridges stated that the legislature needs to look at addressing dark store appraisals and focusing appraisals on the use and productivity of a property.

A motion was made by Senator Nemes, seconded by Representative Bridges, to approve the draft report of the Property Valuation Administrator's Office Task

Force. The motion carried with 7 yes votes and 0 no votes.

Senator Mills testified to the importance of addressing the issues outlined in the report through legislation.

With no further business before the committee, the meeting was adjourned at 3:36 p.m.

EXCEPTIONAL SUPPORT WAIVER SERVICES TASK FORCE

Minutes of the 5th Meeting of the 2020 Interim

November 23, 2020

Call to Order and Roll Call

The 5th meeting of the Exceptional Support Waiver Services Task Force was held on Monday, November 23, 2020, at 1:00 PM, in Room 171 of the Capitol Annex. Representative Steve Riley, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Julie Raque Adams, Co-Chair; Representative Steve Riley, Co-Chair; Senator Dennis Parrett, Representative Tina Bojanowski; David Allgood, LeeAnn Creech, Thomas Laurino, Lisa Lee, Wendy Morris, Bob Napolilli, Brad Schneider, Steve Shannon, Amy Staed, and Bonnie Thorson Young.

LRC Staff: Chris Joffrion, Hillary Abbott, and Shyan Stivers.

Approval of Minutes

A motion to approve the minutes from the October 26, 2020, meeting was made by Steve Shannon and seconded by Senator Parrett and approved by a voice vote.

Discussion and Approval of the Task Force Findings and Recommendations

Representative Steve Riley, Co-Chair, thanked all the members of the Exceptional Support Waiver Services Task Force for their dedication and their time. Representative Riley explained the process for approving the task force's findings and recommendations memo. Representative Riley asked for a motion to approve finding number one.

Steve Shannon made a motion to approve finding number one as written. The motion was seconded by Amy Staed and passed by a voice vote.

Senator Parrett made a motion to approve finding number two as written. The motion was seconded by Steve Shannon and passed by a voice vote.

Representative Bojanowski made a motion to approve finding number three as written. The motion was seconded by Senator Parrett and passed by a voice vote.

Senator Raque Adams made a motion to approve finding number four as written. The motion was seconded by Representative Bojanowski and passed by a voice vote.

Senator Parrett made a motion to approve finding number five as written. The motion was seconded by Steve Shannon and passed by a voice vote.

Representative Riley opened the floor for discussion on recommendation number one. Amy Staed stated that she wishes to amend recommendation number one due to rate concerns and the pending waiver redesign. Lisa Lee, Commissioner, Department for Medicaid Services, stated that the waiver redesign is on hold due to COVID-19 and the Department for Medicaid Services supports the creation of a redesign task force during the 2021 interim and would not oppose delaying changes.

Steve Shannon made a motion, seconded by Senator Parrett to amend recommendation number one by deleting “Through the adoption of a concurrent resolution, encourage the Cabinet for Health and Family Services to immediately resume efforts to redesign Kentucky’s six 1915(c) HCBS waivers. Waiver redesign efforts should include an examination of how exceptional support services can be made available to participants across all 1915(c) waiver programs” and inserting “through adoption of a concurrent resolution, establish a task force to study the redesign of all 1915(c) HCBS waivers during the 2021 Interim and to encourage the Cabinet for Health and Family Services and the Department of Medicaid Services to postpone any waiver services rate changes until at least 2022.” The motion to approve recommendation number one, as amended, was made by Senator Raque Adams and seconded by Senator Parrett. The motion was approved and the amendment passed by voice vote with one “no” vote recorded.

Representative Bojanowski made a motion to accept recommendation number two as written. The motion was seconded by Amy Staed and passed by a voice vote.

Steve Shannon made a motion to approve recommendation number three, as written. The motion was seconded by Senator Raque Adams and passed by a voice vote.

Wendy Morris, Commissioner, Department for Behavioral Health, Intellectual and Developmental Disabilities made a motion to amend recommendation number four, seconded by Representative Bojanowski, removing “by transitioning at least two hundred individuals from institutionalized care to community-based care over the next five years”. Representative Bojanowski made a motion to approve recommendation number four as amended and seconded by Steve Shannon. The motion was approved and the amendment passed by voice vote.

Senator Parrett made a motion to approve recommendation number five as written, the motion was seconded by Steve Shannon, and passed by a voice vote.

Commissioner Lee made a motion to amend recommendation six, subsection “g”, by deleting “Establishing the SCL exceptional supports rate for case managers” and inserting “researching the

implementation of a tiered rate structure for case management based on acuity and needs of the individual”. A motion to adopt the amendment was made by Representative Bojanowski and seconded by Senator Raque Adams. Senator Parrett made a motion to approve recommendation six as amended and was seconded Steve Shannon. The recommendation passed by a voice vote.

Senator Parrett made a motion to accept the memo as amended. The motion was seconded by Steve Shannon. After a roll call vote of 12 yes votes, 0 no votes, the findings and recommendations memo passed out favorably.

Adjournment

A motion to adjourn was made by Representative Riley and was seconded by Senator Parrett. With no further business, the meeting was adjourned at 2:30 pm.

SUBSTANCE USE RECOVERY TASK FORCE

Minutes of the 6th Meeting of the 2020 Interim

November 24, 2020

Call to Order and Roll Call

The 6th meeting of the Substance Use Recovery Task Force was held on Tuesday, November 24, 2020, at 3:00 PM, in Room 171 of the Capitol Annex. Representative Russell Webber, Chair, called the meeting to order, and the secretary called the roll. The minutes from the task force’s November 10, 2020 meeting were approved.

Present were:

Members: Senator Ralph Alvarado, Co-Chair; Representative Russell Webber, Co-Chair; Senators Julie Raque Adams, and Max Wise; Representatives Joni L. Jenkins, and Lisa Willner.

Guests:

LRC Staff: Ben Payne, Samir Nasir, and Christina Williams

Substance Use Recovery Task Force Findings

The Substance Use Recovery Task Force meetings resulted in six findings.

Finding number one stated a significant number of incarcerated individuals have a substance use disorder (SUD), and many of those individuals are incarcerated for crimes related to their substance use disorder. The ability to effectively treat these inmates, while incarcerated or in post release in Kentucky jails and correction facilities, in substance use disorder programs is not adequate because of barriers in the referral process that prevent Kentucky jails and correction facilities from taking full advantage of every treatment option available. Representative Willner thanked members for accepting changes she proposed on finding number one. She stated there is an enormous number of people incarcerated with SUD, and many of them are incarcerated because of crimes they committed relating to the SUD. She stated because the task force has heard testimony on

that issue, there is a necessity for a recommendation related to approaching people for treatment before they become justice involved. The second part of finding number one addresses barriers once people are released from incarceration. She added there is a need to address how to reduce barriers and place people into the treatment spots they need, as there are currently empty spots available in high quality treatment programs. Co-Chair Alvarado motioned for the passage of finding number one. Senator Wise seconded the motion, which passed by voice vote.

Finding number two stated over \$400 million has been awarded to the University of Kentucky in grants and programs to conduct research in the field of substance use disorders. Co-Chair Alvarado motioned for the passage of finding number two. Senator Wise seconded the motion, which passed by voice vote.

Finding number three stated private business owners in Kentucky have made a calculated decision to discover how to positively employ individuals who are in the three main stages of SUD, an individual who is still actively abusing substances, an individual who is in current treatment for SUD, and an individual who is at the post treatment stage of SUD. Co-Chair Alvarado motioned for the passage of finding number three. Senator Wise seconded the motion, which passed by voice vote.

Finding number four stated the reduction of the supply of opioids on the market in Kentucky has helped to reduce the number of individuals in the Commonwealth who suffer from SUD. Co-Chair Alvarado motioned for the passage of finding number four. Senator Wise seconded the motion, which passed by voice vote.

Finding number five stated a great number of SUD treatment programs now exist and successfully operate in all regions of Kentucky and offer inpatient and outpatient treatment and short term and long term supports to individuals with SUD. Co-Chair Alvarado motioned for the passage of finding number five. Senator Wise seconded the motion, which passed by voice vote.

Finding number six stated the Substance Abuse and Mental Health Services Administration (SAMSA) which is a part of the United States Department of Health and Human Services (HHS), has awarded Kentucky \$78.8 million in federal funds from October 2018 to September 2021 to be used towards the response effort to SUD. Co-Chair Alvarado motioned for the passage of finding number six. Senator Wise seconded the motion, which passed by voice vote.

Substance Use Recovery Task Force Recommendations

The Substance Use Recovery Task Force meetings resulted in eleven recommendations for the Kentucky General Assembly to take action on in the 2021 Regular Session.

Recommendation number one stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly to encourage

the Education and Workforce Development Cabinet to encourage Kentucky businesses to create career paths for individuals that are in need of second chances and to encourage Kentucky businesses to not have “zero tolerance” policies for employees related to substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number one. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number two stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to direct the Cabinet for Health and Family Services to establish a work group to create written recommendations for distribution throughout Kentucky for individuals who suffer from substance use disorder and to be able to reduce the barriers they experience to access opioid disorder treatment programs. Co-Chair Alvarado motioned for the passage of recommendation number two. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number three stated through the adoption of legislation during the 2021 regular session of the General Assembly related to the expansion of the use of telehealth for counseling, behavioral therapy, medication assisted treatment, and general medical care for individuals with substance use disorder and requiring that private insurance and the Kentucky Medicaid program provide coverage for these expanded services. Co-Chair Alvarado motioned for the passage of recommendation number three. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number four stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to direct the Cabinet for Health and Family Services and the Justice and Public Safety Cabinet to work together to create recommendations for the legislature related to partnerships for decriminalization, diversion programs, and the funding of drug courts and to submit those recommendations to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number four. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number five stated through the adoption of legislation during the 2021 regular session of the General Assembly related to removing the barriers of prior authorization requirements for medication assisted treatment related to United States Food and Drug Administration approved treatments. Co-Chair Alvarado motioned for the passage of recommendation number five. Senator Raque Adams seconded the motion, which passed by voice vote.

Recommendation number six stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly encouraging the Cabinet for Health and Family Services and Medicaid managed care organizations

to permit coverage of United States Food and Drug Administration approved digital therapeutics in order to provide more therapy options and improved compliance and outcomes for individuals going through substance use disorder recovery. Co-Chair Alvarado motioned for the passage of recommendation number six. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number seven stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to encourage the Cabinet for Health and Family Services to work with substance use disorder treatment providers to establish a pilot program to fully fund post-inpatient treatment housing and transitional living in a limited setting for individuals with substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number seven. Senator Raque Adams seconded the motion, which passed by voice vote.

Recommendation number eight stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly encouraging the United States Congress to continue to provide state funding that supports The Kentucky Opioid Response Effort in the Commonwealth and other programs that provide support to individuals with substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number eight. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number nine stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly supporting the Cabinet for Health and Family Service’s 1115 waiver application for Medicaid funds to be permitted to be used for addiction treatment for incarcerated individuals and encouraging the United States Center for Medicaid Services approve the Commonwealth’s waiver application. Co-Chair Alvarado motioned for the passage of recommendation number nine. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number ten stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly directing the Cabinet for Health and Family Services to study the issue of why individuals do not seek treatment for a substance use disorder prior to an individual becoming involved in the family court system or the child welfare system, to identify barriers to treatment, and to develop strategies for access to treatment and to submit the findings to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number ten. Representative Willner seconded the motion, which passed by voice vote.

Recommendation number eleven stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly directing

the Justice and Public Safety Cabinet to study the issue of why individuals do not seek continued treatment for a substance use disorder after release from incarceration, to identify barriers to finding a treatment program, and to develop strategies for access to a treatment program and to submit the findings to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number eleven. Representative Willner seconded the motion, which passed by voice vote.

Chairman Webber made a motion to adopt all findings and recommendations of the 2020 Substance Use Recovery Task Force. The motion passed on a 6-0-0 roll call vote. With no further business to come before the task force, the meeting was adjourned at 3:30 P.M.



2021 Prefiled Bills

BR8 - Representative C. Ed Massey
(12/11/2020)

AN ACT relating to consolidated emergency services districts and making an appropriation therefor. Create various sections of KRS Chapter 75 to define terms; establish procedures for the creation of a consolidated emergency services district; authorize certain local government officials to appoint 3 members to the board of trustees of the district; provide for the election of 4 members of the board of trustees, qualifications of elected members, terms, nomination procedures, and removal; establish officers of the district and compensation of officers; establish the power to levy a property tax, subject to certain restrictions; declare that upon creation of a district, the board assumes all duties, responsibilities, and liabilities of former departments or districts, former jurisdictions to be special taxing districts until indebtedness is relieved and that all previously entered into interlocal agreements shall remain in force for their duration; set requirements relating to CERS; establish procedures amend KRS 65.180 to define consolidated emergency services district as a “taxing districts”; amend KRS 75.020 to include creation of a district within the definition of merger; amend KRS 78.530 to allow for any districts, not all to be excluded from the provisions; amend KRS 95A.500 to allow the district to receive qualified shares of merged fire districts; amend KRS 134.119 to provide that the sheriff shall be compensated for collecting taxes for consolidated emergency service districts; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR9 - Representative C. Ed Massey
(12/10/2020)

AN ACT relating to crimes and punishments. Amend KRS 194A.990, 205.8463, 238.995, 341.990, 434.650, 434.655, 434.690, 514.030, 514.040, 514.050, 514.060, 514.070, 514.080, 514.090, and 514.110 to increase the felony threshold for theft and fraud offenses to \$1,000; create a Class B misdemeanor level for theft and fraud offenses; amend the Class A misdemeanor level to be \$500 or more but less than \$1,000; enhance the penalty for three convictions of a Class A misdemeanor to a Class D felony if the convictions occur within a five year period; allow offenses that occur within 90 days to be aggregated into one offense.
(Prefiled by the sponsor(s).)

BR14 - Representative Jerry Miller
(11/13/2020)

AN ACT relating to the Kentucky Retirement Systems. Amend KRS 16.578 and 61.640 to apply the alternate death benefit calculation options as written prior to 2009 legislation for deaths occurring prior to retirement; amend KRS 61.540 to remove requirement that the employer and member must file a statement of facts before benefit payments can commence; amend KRS 61.598 to provide that the ten percent cap on creditable compensation growth during a member’s last five years of employment shall

not apply to situations where the growth in excess of ten percent during the entire five-year period results in a benefit change of less than \$25 per month; provide that the implementation date of the amendments to 2017 Ky. Acts ch. 32, sec. 9(28) by the Kentucky Retirement Systems shall be December 1, 2019; provide that the amendments to KRS 16.578 and 61.640 are retroactive to JUNE 25, 2009.
(Prefiled by the sponsor(s).)

BR15 - Representative Jerry Miller
(12/9/2020)

AN ACT relating to the Teachers’ Retirement System. Create a new section of KRS 161.220 to 161.716 to permit the Teachers’ Retirement System (TRS) to use and accept electronic signatures as deemed appropriate; amend KRS 161.220 to add anti-salary spiking measures to the definition of “final average salary” and provide noncodified language detailing that change shall not increase benefits or increase liability to the system; amend KRS 161.290 to require all public employers to grant paid leave to teacher trustees serving on the TRS board; amend KRS 161.310 to specify the types of remuneration included in retirement incentives, require that costs billed to employers for retirement incentives not be an obligation of the state, and specify that retirement incentives shall not increase final average salary or annual compensation; amend KRS 161.340 to add insurance to the items for which TRS may contract, delete the requirement for the procurement of fiduciary bonds for board trustees and the executive secretary, and authorize the board to expend funds as necessary for indemnification and self-insurance; amend 161.470 to specify when a member who leaves service prior to retirement is eligible for a refund and to make technical amendments; amend KRS 161.480 to automatically designate a TRS member’s spouse as beneficiary for an active member’s account balance upon employment until changed by the member and declare the member’s spouse as beneficiary of the active member’s account balance if all named beneficiaries predecease the active member or the member fails to designate a beneficiary; amend KRS 161.500 to specifically address service credit for contracts exceeding 185 days; amend KRS 161.515 to reference new retirement factors for out-of-state service purchases; amend KRS 161.540 to specify eligibility requirements for including annual leave credit in the retirement calculation for calendar-year contracts; amend KRS 161.545 to provide that full-time sabbatical leave by university staff participating in the TRS shall be deemed full-time employment for retirement purposes and require employee and employer contributions to be paid during the period of sabbatical leave; amend KRS 161.553 to adjust the cost schedules of providing statutory benefit improvements for annuitants; amend KRS 161.560 to adjust the methods by which participating employers file contribution data and set penalties for noncompliance; amend KRS 161.597 to require a refund of prior installment payments and a reduction in service credit for a member in default on installment payments; amend KRS 161.605 to provide that breaks in service are required before returning to work for the employer even if

in a position not covered by TRS, begin running of breaks in service from date of retirement, prohibit prearranged agreements between a retiring member and employer for a member to return to work after retirement and require certification thereof, and require retired members returning to work for state-supported universities and community colleges to comply with the separation-from-service requirements; amend KRS 161.612 to reduce the \$500 minimum monthly disability benefit dollar-for-dollar by benefit payments from all state-administered retirement systems for part-time employees and substitute teachers participating in TRS who apply for disability benefits on or after July 1, 2021, and specify that part-time employees and substitute teachers are not eligible to apply for a disability retirement allowance if they are eligible for an unreduced retirement benefit; amend KRS 161.614 to include mediation awards as a method that may be binding for the adjustment of a member’s account; amend KRS 161.620 to specify that partial years qualify a member for 3% retirement factor in excess of 30 years as authorized by the TRS board; amend KRS 161.643 to authorize TRS to require more frequent submission of reports and other data by participating employers who employ retired members of the system; amend KRS 161.630 to distinguish that a member may cancel “indefinitely” continuing spousal benefits upon divorce, annulment or marriage by exercising the pop-up option; amend KRS 161.650 to automatically designate a TRS member’s spouse as beneficiary for a retired member’s remaining account balance at the time of death unless changed by the member and declare the member’s spouse as beneficiary of the retired member’s remaining account balance if all named beneficiaries predecease the retired member or the member fails to name a beneficiary for the account balance; amend KRS 161.655 to automatically designate a TRS member’s spouse as beneficiary for the life insurance benefit available to active and retired members unless changed by the member, and to declare the member’s spouse as beneficiary of the life insurance benefit available to active and retired members if, upon the death of the member, all named beneficiaries predecease the member or the member fails to name a beneficiary; amend KRS 161.661 to provide that members who begin participating on or after July 1, 2021, shall not be eligible for a disability benefit if they are eligible for any unreduced benefit and that they shall have their \$500 minimum monthly disability benefit reduced dollar-for-dollar by benefit payments from all state-administered retirement systems; and amend KRS 161.680 to detail the system’s authority to collect overpayments.
(Prefiled by the sponsor(s).)

BR17 - Representative Jerry Miller
(10/7/2020)

AN ACT relating to actuarial reporting for the state-administered retirement systems. Amend KRS 6.350 to establish additional standards and requirements for the completion of the actuarial analysis required for bills pertaining to state-administered retirement systems, including a projection of costs/savings over a 30-year period rather than 20 years, completion of the analysis in a format established by the Legislative

Research Commission, and the addition of a summary of relevant data and information on the front page of the analysis; amend KRS 21.440, 61.670, and 161.400 to require the state-administered retirement systems to provide a projection/analysis over a 30-year period rather than a 20-year period regarding projections in the annual actuarial valuation and as it relates to experience studies, assumption changes, and other changes made by the boards of each system.
(Prefiled by the sponsor(s).)

BR22 - Representative Attica Scott, Representative George Brown Jr, Representative Kelly Flood, Representative Joni Jenkins, Representative Nima Kulkarni, Representative Mary Lou Marzian, Representative Reginald Meeks, Representative Patti Minter, Representative Josie Raymond, Representative Rachel Roberts, Representative Buddy Wheatley, Representative Lisa Willner
(8/13/2020)

AN ACT relating to public protection.
Create new sections of KRS Chapter 455 to require peace officers to give notice before entering premises to execute a search warrant; require officers to activate body-worn cameras when serving a warrant; create processes for enforcement; allow disciplinary actions for non compliance; create a new section of KRS Chapter 15 to require officers to activate body-worn cameras when engaged in law enforcement activity; establish rebuttable presumptions in investigative or legal proceedings regarding unrecorded conduct of statements; amend KRS 61.168 to provide for release of recordings in specific circumstances and allow waiver of privacy concerns; amend KRS 344.450 to expand scope of permissible suits against state and local governments and limit defenses; amend KRS 15.420 to define “deadly incident”; amend KRS 154.440 to require law enforcement agencies to create policies requiring mandatory drug and alcohol testing for officers involved in a deadly incident; amend various sections to conform; provide that Sections 1 to 8 shall be known as “Breonna’s Law”.
(Prefiled by the sponsor(s).)

BR24 - Representative Josie Raymond
(10/6/2020)

AN ACT relating to public assistance.
Amend KRS 205.200 to require that the value of all assets held by an individual be disregarded for the purpose of determining the individual’s eligibility for a means-tested public assistance program.
(Prefiled by the sponsor(s).)

BR25 - Representative Josie Raymond
(12/4/2020)

AN ACT relating to the Child Care Assistance Program.
Amend KRS 199.894 to define “Child Care and Development Fund” and “Child Care Assistance Program”; create a new section of KRS 199.892 to 199.896 to establish income eligibility requirements for the Child Care Assistance Program.
(Prefiled by the sponsor(s).)

BR26 - Representative Josie Raymond
(10/6/2020)

AN ACT related to teacher professional development.
Amend KRS 156.095 to require all certified public school employees to complete high quality behavioral and mood disorder training annually.
(Prefiled by the sponsor(s).)

BR28 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to colon cancer screening and prevention and making an appropriation therefor.
Amend KRS 214.540 to change Colon Cancer Screening Program to the Colon Cancer Screening and Prevention Program; amend KRS 214.543 to change Colon Cancer Screening Program fund to Colon Cancer Screening and Prevention Program fund; require the fund to include funds distributed by the Transportation Cabinet from sales of special cancer prevention license plates; require funds to be solely used for colon cancer screening and prevention; amend KRS 214.544 to change Colon Cancer Screening Advisory Committee to Colon Cancer Screening and Prevention Advisory Committee; change membership of the advisory committee; create new section of KRS Chapter 205 to require the Department for Medicaid Services to present statistics on cancer services related to colorectal cancer annually and upon request; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR29 - Representative Josie Raymond
(9/16/2020)

AN ACT relating to paid parental leave.
Create a new section of KRS Chapter 18A to allow employees of the Commonwealth of Kentucky a paid leave of absence of 12 weeks for the birth or adoption of a child and to establish requirements for the paid leave of absence; amend KRS 18A.025 and 18A.110 to conform
(Prefiled by the sponsor(s).)

BR30 - Representative Josie Raymond
(10/6/2020)

AN ACT relating to employment discrimination.
Amend KRS 344.040, 344.050, 344.060, 344.070, 344.080, 344.100, and 344.110 to add protections against discrimination based on weight.
(Prefiled by the sponsor(s).)

BR33 - Senator Ralph Alvarado
(12/9/2020)

AN ACT proposing an amendment to Section 54 of the Constitution of Kentucky.
Propose an amendment to Section 54 of the Constitution of Kentucky to allow the General Assembly the power to limit noneconomic damages for injuries resulting in death or for injuries to persons or property, and the power to provide statutes of limitation; provide for submission to the voters.
(Prefiled by the sponsor(s).)

BR34 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to sheltered employment.
Amend KRS 337.010 to redefine “employee” to include

workers in sheltered workshops whose employment begins on or after January 1, 2025; amend KRS 337.295 to require new administrative regulations concerning sheltered workshops and sheltered workshop employment; amend KRS 205.5606 to exclude referrals to sheltered employment from the definition of “covered services and supports” as of January 1, 2025.
(Prefiled by the sponsor(s).)

BR35 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to out-of-network billing.
Amend KRS 304.17A-005 to define terms; create new sections of Subtitle 17A of KRS Chapter 304 to require the commissioner of insurance to establish a database of billed health care service charges; require an insurer to reimburse for unanticipated out-of-network care; prohibit balance billing from a provider who has been reimbursed as required; provide for an independent dispute resolution program to review reimbursements provided for unanticipated out-of-network care; allow unregulated health plans to opt-in to requirements; require insurers to provide certain notices in an explanation of benefits; amend KRS 304.17A-254 and 304.17A-505 to require certain disclosures; create a new section of KRS Chapter 365 to allow the Attorney General to enjoin persons violating Section 3; amend KRS 18A.225 to require the state employee health plan to comply with Sections 3 and 4 of the Act; amend KRS 304.17A-0954, 304.17A-096, 304.17A-500, 304.17A-550, 304.17A-580, 304.17A-649, 304.17B-001, 304.17B-015, 304.17B-033, 304.17C-010, 304.38A-010, and 304.39-241 to conform; repeal KRS 304.17A-640; EFFECTIVE January 1, 2022.
(Prefiled by the sponsor(s).)

BR36 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to deceptive lawsuit advertising and solicitation practices.
Creates new sections of KRS Chapter 367 to regulate advertising for legal services.
(Prefiled by the sponsor(s).)

BR37 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to mental health treatment.
Amend KRS 202A.021 to permit voluntary transport to a hospital or psychiatric facility with authorization of the originating and receiving hospital or facility and a patient’s signed written agreement to be voluntarily transported and to not be physically removed during transport; amend KRS 645.030 to permit voluntary transport of a child to a hospital or psychiatric facility with authorization of the originating and receiving hospital or facility and a parent if the child is under 16 and parent and child if the child is age 16 or older and a signed written agreement to be voluntarily transported and to not be physically removed during transport; amend KRS 214.185 to establish that any qualified mental health professional may provide outpatient mental health counseling to any child who is age 16 or older and is an unaccompanied youth; amend KRS 645.190 to conform.
(Prefiled by the sponsor(s).)

BR41 - Senator Matt Castlen
(8/6/2020)

AN ACT relating to emergencies.

Amend KRS 39A.090 to limit the effective dates of executive orders issued by the Governor to 30 days unless an extension is approved by the General Assembly, and prohibit the Governor from issuing a new executive order relating to the same emergency without the approval of the General Assembly; amend KRS 39A.100 to allow an executive order relating to elections to remain in effect regardless of the time limitations in KRS 39A.090; amend KRS 39A.180 to limit administrative regulations promulgated under KRS 39A.180 to 30 days unless an extension is approved by the General Assembly; amend KRS 214.020 to limit administrative regulations promulgated under KRS 214.020 to 30 days unless an extension is approved by the General Assembly; amend KRS 241.090 to limit the emergency jurisdiction and peace officer status of administrators and investigators under the alcohol beverage control board to the limitations in KRS 39A.090; amend KRS 315.500 to prevent the time limitations of KRS 39A.090 from affecting the emergency distribution of pharmaceuticals; amend KRS 39A.374 to prevent the time limitations of KRS 39A.090 from affecting the limitations on increased prices during an emergency.

(Prefiled by the sponsor(s).)

BR45 - Representative Rachel Roberts, Representative Lisa Willner
(10/21/2020)

AN ACT relating to coverage of mental health wellness examinations.

Create a new section of Subtitle 17A of KRS Chapter 304 to define terms; require certain health insurance policies to provide coverage for an annual mental health wellness examination of at least 45 minutes provided by a mental health professional; require the coverage to be no less extensive than coverage for medical and surgical benefits; require the coverage to comply with the Mental Health Parity and Addiction Equity Act of 2008; provide that coverage shall not be subject to cost-sharing requirements; amend KRS 205.522 to require the Department for Medicaid Services and managed care organizations contracted to provide Medicaid benefits to comply with the mental health wellness examination coverage requirement; amend KRS 205.6458 to require the Kentucky Children's Health Insurance Program to comply with the mental health examination coverage requirement; amend KRS 18A.225 to require the state employee health plan to comply with the mental health coverage requirement; EFFECTIVE, January 1, 2022.

(Prefiled by the sponsor(s).)

BR47 - Representative Steve Sheldon
(7/31/2020)

AN ACT relating to governmental emergencies.

Amend KRS 39A.100 to require the Governor to call an extraordinary session of the General Assembly simultaneously with any declaration of emergency in order for the declaration to be valid for 15 days unless changed by the General Assembly; prohibit the Governor from declaring a new emergency based on the same facts upon the expiration of the initial declaration; prohibit

the Governor from suspending statutes or administrative regulations unless the subject matter is enumerated under Chapter 39A; amend KRS 39A.280, 315.500, and 367.374 to conform.

(Prefiled by the sponsor(s).)

BR48 - Representative Daniel Elliott
(10/22/2020)

AN ACT relating to production of vital medical supplies. Amend KRS 154.32-010 to further define manufacturer as a producer of personal protective equipment, and define vital medications and personal protective equipment; amend KRS 154.32-020 to declare a purpose of the subchapter is to provide an economic stimulus to bolster in-state production of vital medications and personal protective equipment and allow facilities that produce vital medications and personal protective equipment to qualify for tax incentives under the subchapter; amend KRS 154.32-060 to allow for facilities that are rehabilitated or replaced in order to produce vital medications and personal protective equipment to be eligible for tax benefits under the subchapter; amend KRS 154.34-010 to include a facility that reinvests in the production of vital medications and personal protective equipment to be eligible for benefits under the subchapter and define personal protective equipment; amend KRS 154.35-010 to define vital medications and personal protective equipment; amend KRS 154.35-050 to direct the University of Louisville research centers to identify facilities and businesses capable of producing vital medications and personal protective equipment, and work with health departments to assess the needs of medical facilities and communities.

(Prefiled by the sponsor(s).)

BR53 - Representative Danny Bentley
(12/9/2020)

AN ACT relating to prescription drugs. Amend KRS 304.17A-164 to redefine "cost-sharing" and define "generic alternative," "health plan," "insured," and "person"; prohibit an insurer or pharmacy benefit manager from excluding any cost-sharing amount paid by or on behalf of an insured when calculating the insured's contribution to any applicable cost-sharing requirement; exempt fully insured or self-insured health benefit plans provided to state employees under KRS 18A.225; EFFECTIVE January 1, 2022.

(Prefiled by the sponsor(s).)

BR56 - Representative Danny Bentley
(9/1/2020)

Urge federal policymakers to expedite research regarding the safety and efficacy of the use of marijuana for medical purposes.

(Prefiled by the sponsor(s).)

BR57 - Representative Patti Minter, Representative Buddy Wheatley
(6/2/2020)

AN ACT relating to consumer protections in health insurance. Create a new section of Subtitle 17A of KRS Chapter 304 to define terms; establish health-status eligibility

rules for health benefit plans in any market; prohibit requiring a greater premium or contribution, or different benefits coverage, on the basis of any health status-related factor; prohibit pre-existing condition exclusions; require coverage for essential health benefits; prohibit insurers from establishing lifetime or annual limits on essential health benefits; prohibit adjustment of premium or contribution amounts for group health plans on the basis of genetic information; require the commissioner of insurance to define essential health benefits; establish when the section controls; establish opt-in for health plans not otherwise required to comply with requirements of section; establish when section becomes effective; establish that section applies to health benefit plans and health plan options on or after the effective date; amend KRS 304.17A-096, 304.17A-097, 304.17A-200, 304.17A-220, 304.17A-230, 304.17A-250, 304.17A-430, 304.17B-015, 304.17B-019, 304.18-114, and 304.18-120 to conform; amend KRS 18A.225 to require the state employee health plan to comply with Section 1 of the Act.

(Prefiled by the sponsor(s).)

BR61 - Representative Kimberly Moser, Representative Deanna Frazier, Representative Kim Banta
(9/17/2020)

AN ACT relating to mental health parity.

Amend KRS 304.17A-660 to define "classification of benefits" and "nonquantitative treatment limitation"; amend KRS 304.17A-661 to modify mental health parity requirements; require parity coverage for nonquantitative treatment limitations and medical necessity criteria; require compliance with nonquantitative treatment limitations set forth in federal law; require insurers to submit annual reports relating to the insurer's compliance with mental health parity requirements; amend KRS 304.17A-669 to remove exemptions; EFFECTIVE January 1, 2022.

(Prefiled by the sponsor(s).)

BR62 - Representative Kimberly Moser
(9/17/2020)

AN ACT relating to the Advisory Council for Medical Assistance.

Amend KRS 205.540 to add one representative of a recognized consumer advocacy group representing persons reentering society following incarceration to the Advisory Council for Medical Assistance; amend KRS 205.590 to amend the membership of the Technical Advisory Committee on Consumer Rights and Client Needs, amend the membership of the Technical Advisory Committee on Behavioral Health, and to create a Technical Advisory Committee on Persons Returning to Society from Incarceration to act in an advisory capacity to the Advisory Council for Medical Assistance.

(Prefiled by the sponsor(s).)

BR64 - Representative Cherlynn Stevenson
(12/2/2020)

AN ACT relating to animal cruelty.

Create new sections of KRS Chapter 525 to define terms; require peace officers and animal control officers to serve notice of seizure of an animal subjected to cruelty; create procedure for seizing agencies to petition a court to order payment of animal care costs by owner; establish penalties; prohibit the destruction of seized animals, except for

humane reasons determined by veterinarian.
(Prefiled by the sponsor(s).)

BR66 - Representative Lynn Bechler
(6/19/2020)

AN ACT relating to emergencies.
Amend KRS 39A.090 to limit the governor’s emergency orders to 28 days unless approved by the General Assembly; limit the local chief executive’s emergency orders to 28 days unless approved by the local government legislative body.
(Prefiled by the sponsor(s).)

BR68 - Representative Patti Minter
(6/4/2020)

AN ACT relating to Women Veterans’ Day.
Create a new section of KRS Chapter 2 to designate June 12 as Women Veterans’ Day in the Commonwealth.
(Prefiled by the sponsor(s).)

BR70 - Representative James Tipton, Representative Derek Lewis
(7/9/2020)

AN ACT relating to state employee compensation.
Amend KRS 18A.355 to provide for an annual cost of living adjustment for state employees with the cost of living adjustment being the average of the consumer price index for the two calendar years prior to the biennium and not less than zero; amend KRS 18A.110 and 48.130 to conform; EFFECTIVE JULY 1, 2022.
(Prefiled by the sponsor(s).)

BR73 - Representative Jim Gooch Jr.
(7/10/2020)

AN ACT relating to emergencies.
Amend KRS 39A.090 to limit the effective dates of emergency executive orders issued by the Governor to thirty days unless extended by the General Assembly; amend KRS 39A.100 to require executive orders suspending or delaying an election to remain in effect unless changed by an action of the General Assembly; amend KRS 367.374 to allow the Governor only one additional fifteen day extension period.
(Prefiled by the sponsor(s).)

BR74 - Representative Rob Wiederstein
(11/13/2020)

AN ACT relating to case disposition times.
Create a new section of KRS Chapter 27A to mandate that beginning in the year 2024 the Administrative Office of the Courts issue an annual report concerning case disposition times; create a new section of KRS Chapter 27A that encourages judges to meet the disposition guidelines set forth in the Table of Model Time Standards located in the most recent publication of Model Time Standards for State Trial Courts by the National Center for State Courts.
(Prefiled by the sponsor(s).)

BR77 - Representative Attica Scott
(8/26/2020)

AN ACT relating to implicit bias in perinatal care.

Amend KRS 211.680 to expand the scope of the legislative intent and findings; create new sections of KRS Chapter 211 to define terms; require licensed health facilities under KRS Chapter 216B to provide each patient with written information regarding the patient’s rights and implement an evidence-based implicit bias program for all health providers involved in the perinatal care of patients within those facilities; require the Department for Public Health to track data on maternal death and severe morbidity.
(Prefiled by the sponsor(s).)

BR79 - Representative Rob Wiederstein
(10/7/2020)

AN ACT relating to custodial interrogations by law enforcement.
Create new sections of KRS Chapter 15 to define terms related to the electronic recording of custodial interrogations; require law enforcement officers to electronically record custodial interrogations; specify that law enforcement officers conducting custodial interrogations are not required to obtain consent from the individual being interrogated; provide exceptions to the requirement of recording interrogations based upon exigent circumstances, refusal to participate by the individual being interrogated, the occurrence of the interrogation in a different state in compliance with that state’s law or with federal law, or if the interrogation may reveal the identity of a confidential informant or jeopardize the safety of a law enforcement officer; require prosecutors to prove an exception applies if the statement entered was not recorded; and require the Attorney General to promulgate administrative regulations to determine the means of recording, the collection and review of recordings, and other matters related to the recording of interrogations.
(Prefiled by the sponsor(s).)

BR80 - Representative Buddy Wheatley
(11/13/2020)

AN ACT relating to solitary confinement of juveniles.
Create a new section of KRS Chapter 15A to limit use of solitary confinement for juveniles and require reporting of data on its use.
(Prefiled by the sponsor(s).)

BR86 - Representative Kim Banta, Representative Kevin Bratcher, Representative Derek Lewis
(7/8/2020)

AN ACT relating to Medicaid eligibility for individuals diagnosed with metastatic breast cancer.
Create a new section of KRS Chapter 205 to require the Department for Medicaid Services to request approval of a Medicaid state plan amendment from the Centers for Medicare and Medicaid Services that exempts individuals who have been diagnosed with metastatic breast cancer from meeting spend-down requirements in order to be eligible for Medicaid services within 30 days of the effective date of this Act.
(Prefiled by the sponsor(s).)

BR96 - Senator Christian McDaniel
(6/11/2020)

AN ACT relating to statues and making an appropriation therefor.

Require the Department for Facilities and Support Services within the Finance and Administration Cabinet to relocate the Jefferson Davis statue from the Capitol Rotunda to either the Thomas D. Clark Center for Kentucky History or the Jefferson Davis Historic Site; require the Department for Facilities and Support Services to place a statue of United States Navy diver and Kentucky native Carl Brashear in the Capitol Rotunda; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR97 - Senator Gerald Neal
(9/22/2020)

AN ACT relating to health disparity impacts.
Create a new section of KRS Chapter 6 to define “health disparity impact” and “health disparity impact review”; require Legislative Research Commission staff to identify a bill, amendment, or committee substitute that may result in a health disparity impact and notify the sponsor and the Cabinet for Health and Family Services; require the cabinet to determine if a health disparity impact review is necessary, notify the Legislative Research Commission, and complete the review if appropriate; require other state agencies to provide requested information for the review; permit a new review to be requested if there is an amendment or committee substitute; require any bill, amendment, or committee substitute that requires a review to have a completed review before a vote is taken; permit a majority of members of the Senate or House of Representatives to request a review; permit a majority of members of any standing committee to request a review; require reviews to include information on any health disparity impact and be completed within thirty days; require the cabinet to create a form to be use to complete the review.
(Prefiled by the sponsor(s).)

BR98 - Senator Christian McDaniel
(7/9/2020)

AN ACT proposing to amend Section 36 of the Constitution of Kentucky relating to time and place of meetings of the General Assembly.
Propose to amend Section 36 of the Constitution of Kentucky to require the General Assembly to convene if the Governor declares a state of emergency in the Commonwealth, and the state of emergency exceeds thirty days in the aggregate of a calendar year during which time the General Assembly is not in regular session. The subjects to be considered by the General Assembly shall be the Governor’s executive orders and directives issued pursuant to and relevant to the executive order declaring a state of emergency; ballot language; submit to voters for ratification or rejection.
(Prefiled by the sponsor(s).)

BR99 - Representative Lisa Willner, Representative Kim Banta, Representative Rachel Roberts
(8/25/2020)

AN ACT relating to youth mental health protection and declaring an emergency.
Create a new section of KRS Chapter 210 define sexual orientation and gender identity change efforts, mental health professional, and public funds; to prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under

eighteen (18) years of age or a person who is eighteen (18) years or older who is an adult as defined in KRS 209.020 or a ward as defined in KRS 387.510; require violations to be subject to board discipline; prohibit public funds from being used for sexual orientation and gender identity change efforts; create a new section of KRS Chapter 211 to require the Department for Public Health to develop, produce, and disseminate educational materials regarding sexual orientation and gender identity change efforts; permit the cabinet to contract for the educational materials; add the short title “Mental Health Protection Act”; EMERGENCY.
(Prefiled by the sponsor(s).)

BR102 - Representative Danny Bentley
(9/16/2020)

AN ACT relating to construction or demolition waste disposal.
Amend KRS 224.40-120 to allow an off-site construction or demolition waste disposal permittee to request an increase in the size of the permitted area to no more than 2 acres total if the applicant is compliant with the permit requirements for the currently permitted area and complies with all permit requirements for the newly permitted area, including posting an additional bond for the newly permitted area.
(Prefiled by the sponsor(s).)

BR117 - Representative Kim Banta, Representative Buddy Wheatley
(9/16/2020)

AN ACT relating to mental health and making an appropriation therefor.
Amend KRS 210.365 to make firefighters eligible for crisis intervention team training along with law enforcement officers currently permitted such training; amend KRS 95A.220 with an appropriation of \$1,250,000 each fiscal year for treatment of full-time and volunteer firefighters affected by post-traumatic stress injury (PTSI) and/or post-traumatic stress disorder (PTSD); provide that legitimate personnel actions are not compensable; establish the reference for definitions of PTSD and PTSI; require diagnosis by psychiatrist, psychologist, or counselor; allow certain mental health treatment benefits upon firefighter seeking treatment; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR119 - Representative Josie Raymond
(10/6/2020)

AN ACT relating to campaign finance.
Amend KRS 121.175 to define and include “necessary childcare expenses” as an allowable campaign expenditure.
(Prefiled by the sponsor(s).)

BR120 - Senator Phillip Wheeler
(11/12/2020)

AN ACT relating to sex offender registrants.
Amend KRS 17.545 to prohibit sex offender registrants from being on the grounds of a senior citizen center.
(Prefiled by the sponsor(s).)

BR124 - Representative Joe Graviss
(6/19/2020)

AN ACT relating to state holidays.
Amend KRS 2.110 to remove Robert E. Lee Day, Confederate Memorial Day, and Jefferson Davis Day as state holidays.
(Prefiled by the sponsor(s).)

BR127 - Representative Joe Graviss
(6/19/2020)

AN ACT relating to state holidays.
Amend KRS 2.110 to add the nineteenth of June as a state holiday commemorating Juneteenth National Freedom Day.
(Prefiled by the sponsor(s).)

BR130 - Representative Savannah Maddox, Representative Joseph Fischer, Representative Mark Hart, Representative Thomas Huff, Representative Kim King, Representative Derek Lewis, Representative Bobby McCool, Representative Richard White
(7/7/2020)

AN ACT relating to emergencies and declaring an emergency.
Create a new section of KRS Chapter 39A to define “emergency order”, set parameters for the issuance of an emergency order, and provide for legal action to enforce the parameters; amend Section 39A.090 to apply the emergency order definition to executive orders issued under KRS Chapters 39A to 39F; amend KRS 39A.100 to require that emergency orders issued by the Governor contain an expiration date not greater than 14 days, with extension only as provided by the General Assembly, require that emergency orders issued by a chief executive of a local government contain an expiration date of not greater than 14 days with extension only as provided by the legislative body of the local government, move associated election deadlines if the date of the election is moved, prohibit the suspension of any laws, and specify that no governmental entity may prohibit or severely limit in-person worship; amend KRS 194A.025 to specify that the Secretary for Heath and Family Services may not take any action contrary to the specific limitations on actions by the cabinet in the event of infectious or contagious diseases; amend KRS 214.020 to limit actions taken by the Cabinet for Heath and Family Services in the event of infectious or contagious disease to 21 days unless extended or changed by the General Assembly, and prohibit similar or related actions taken to extend the time limitation; name the Act the “Ensuring Basic Checks and Balances and Basic Liberties During Emergencies Act; EMERGENCY.
(Prefiled by the sponsor(s).)

BR137 - Senator Gerald Neal
(12/11/2020)

AN ACT relating to historic properties and making an appropriation therefor.
Create a new section of KRS Chapter 11 to require the Special Committee on New State Capitol Monuments to meet at least once a year to establish criteria for selection of statues and monuments to be located in the Capitol Rotunda; require the committee to report its criteria after its second annual meeting to the Historic Properties Advisory Commission, the Office of the Governor, and the members of the Legislative Research Commission; require

the committee also meet upon the direction of the Historic Properties Advisory Commission; require the committee to make recommendations to the Historic Properties Advisory Commission and also report its recommendations to the Office of the Governor and the members of the Legislative Research Commission; amend KRS 11.026 to establish the Special Committee on New State Capitol Monuments and attach it to the Historic Properties Advisory Commission for administrative purposes; establish the membership of the committee; establish in the State Treasury a Special Committee on New State Capitol Monuments endowment trust fund; amend KRS 11.027 to authorize the Historic Properties Advisory Commission to direct the Special Committee on New State Capitol Monuments to meet when appropriate; require the commission to approve recommendations from the committee or request another recommendation.
(Prefiled by the sponsor(s).)

BR139 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to on-site sewage disposal systems.
Amend KRS 211.350 to require the Department for Public Health to notify property owners with on-site sewage disposal systems by mail every two years of the need to maintain the system; require the department to conduct an information campaign to increase public awareness at least once every two years; require the department to promulgate a regulation to outline policy for health departments to maintain a list of properties serviced by on-site sewage disposal systems.
(Prefiled by the sponsor(s).)

BR140 - Representative Bobby McCool
(8/20/2020)

AN ACT relating to welding safety.
Create a new section of KRS Chapter 198B to establish requirements for projects requiring structural steel welding such as certification of welders and certified inspectors; provide definitions; EFFECTIVE January 1, 2022.
(Prefiled by the sponsor(s).)

BR141 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to cannabidiol products.
Create a new section of KRS Chapter 217.005 to 217.215 to establish labeling requirements for cannabidiol products.
(Prefiled by the sponsor(s).)

BR146 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to public water and wastewater.
Create new sections of KRS Chapter 74 to define “appointing authority,” “board,” “commissioner,” “governing body,” “joint commissioner,” “joint water commission,” “public service commission,” “public water or wastewater system,” “water association”, and “water district”; establish eligibility requirements for members of a water district, water association, and joint water commission; require online training and continuing education hours for water commissioners; require the Kentucky Public Service Commission to develop best management practices for governing bodies of public

water and wastewater utilities; establish penalties for failure to meet training and eligibility requirements; create new sections of Subchapter 70 of KRS Chapter 224 to establish the Public Water and Wastewater Working Group; identify the members and responsibilities of the working group; allow for the creation of stakeholder advisory groups; require the group to report to the Legislative Research Commission by November 1 of each year and develop methods to identify failing public water and wastewater utilities; create a Kentucky Public Water and Wastewater System Protection Panel and name executive branch members of the panel; require the panel to develop metrics to identify systems at risk of insolvency, develop a priority list for intervention by the panel, and promulgate administrative regulations to develop comprehensive criteria for sanctions against governing bodies at risk of failure; identify remedies for failing system and interventions; amend KRS 65.007 to add misfeasance and nonfeasance to reasons for removal by an appointing authority; amend KRS 74.012 to clarify entities and conform to definitions; amend KRS 74.020 to clarify definitions and require commissioners to comply with initial and continuing education; increase initial hours from six to nine; require twelve hours of continuing education every three years; amend KRS 74.025 to allow removal for failure to complete training; amend KRS 74.030 to change reference from commission to board to conform with chapter definitions; amend KRS 74.040 to establish requirements for the chief executive officer and update duties to include financial and water loss audit, rate and operations review, and infrastructure improvement plan and conform definitions; amend KRS 74.080 to update board duties and responsibilities regarding rates, procedures, audits, and planning; allow the commission to review rates on its own motion and require rate adjustment for full cost recovery; amend KRS 74.100 to require a comprehensive infrastructure improvement plan and conform definitions; amend KRS 74.110 to require notice to the commission when annexing or striking district territory; amend KRS 74.177 to clarify distinction between water district and agricultural district; amend KRS 74.240 to update requirements of the district and require qualified infrastructure improvement plan filed and approved by the commission; amend KRS 74.050, 74.070, 74.280, 74.090, 74.120, 74.130, 74.140, 74.150, 74.160, 74.180, 74.190, 74.200, 74.220, 74.290, 74.300, and 74.330 to conform definitions; amend KRS 74.361 to authorize the commission to investigate merger of water districts after repeated water loss or failure to perform audits; amend KRS 74.370 to clarify the commission's authority over water districts; amend KRS 74.395 to allow recovery through a surcharge for improvements designed to reduce water loss and specify range over 15 percent; require improvement plan and water loss audit be submitted for surcharge; amend KRS 74.430, 74.440, 74.460, 74.470, 74.480, 74.490, 74.500, 74.510, 74.520, and 74.990 to clarify distinction between joint water commissions and joint commissioners; amend KRS 74.450 to establish eligibility to serve as joint commissioner; amend KRS 91A.040 to require the auditor to obtain a copy of an audit performed on any public water or wastewater system owned by the city; include in the audit report whether the city is compliant in performing the audit and report to Department for Local Government and Kentucky Infrastructure Authority if noncompliant; amend KRS 96.172 to establish eligibility to serve on municipal board of public utilities; amend KRS 96.173 to require expenses

incurred to be prudent and reasonable in order to be payable from revenues; amend KRS 96.176 to require financial practices to be consistent with best management practices developed by the Kentucky Public Service Commission; amend KRS 96.181 to require board finances to be consistent with best management practices; amend KRS 96.182 to restrict use of rate receipts for anything not related to the provision of service by the electric and water plant; amend KRS 96.190 to require initial training and continuing education; amend KRS 96.200 to require conformity to best management practices; amend KRS 96.240 to establish requirements for appointees to board of waterworks; amend KRS 96.320 to establish requirements for appointees to cities owning waterworks; amend KRS 96.351 to establish qualifications for members of waterworks commission and waterworks and sewerage commission.
(Prefiled by the sponsor(s).)

BR147 - Representative Joe Graviss
(7/8/2020)

AN ACT relating to soil conservation and making an appropriation therefor.
Create new sections of KRS Chapter 262 to establish a Healthy Soils Program and a Healthy Soils Program fund in the Department for Natural Resources, Division of Conservation; require the department to provide technical advice and assistance and assist with soil health assessments and soil health plans; require the commissioner to approve applications for grants and other types of financial assistance under the Healthy Soils Program; authorize the department to promulgate administrative regulations to implement the Healthy Soils Program and the Healthy Soils Program fund; amend KRS 146.100 to require the director of the Division of Conservation to have experience in healthy soil practices; amend KRS 224.71-110 to require the Agriculture Water Quality Authority to promote soil restoration, include an organic agriculture organization among appointments to the authority and add healthy soil practices as a committee; amend KRS 262.010 to define "healthy soil practices," "soil health," "soil health assessment," and "watershed health"; amend KRS 262.020 to add restoration, biological diversity, watershed health, and healthy soil practices to the purpose of soil and water conservation districts; amend KRS 262.748 and 262.778 to conform; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR149 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to actuarial analysis on retirement bills. Amend KRS 6.350 to establish additional requirements for the completion of the actuarial analysis required for bills pertaining to state-administered retirement systems; specify additional requirements projecting costs/savings over a 30 year period rather than 20 years, completing the analysis in a format established by the Legislative Research Commission, and requiring the front page of the analysis to include summary information; provide that Legislative Research Commission shall not transmit a request for analysis unless authorized by a bipartisan working group consisting of 4 members of the General Assembly, but that nothing shall prevent the systems from obtaining an analysis at their own discretion on bills that have been filed, prefiled, or released by the sponsor.

(Prefiled by the sponsor(s).)

BR152 - Representative Terri Branham Clark, Representative Ashley Tackett Laferty, Representative Lisa Willner
(7/14/2020)

AN ACT relating to state employment offices.
Amend KRS 151B.285 to mandate that public employment offices be located in specified locations.
(Prefiled by the sponsor(s).)

BR153 - Representative Matthew Koch
(6/30/2020)

AN ACT relating to property taxes for veteran service organizations.
Create a new section in KRS Chapter 132 to exempt veteran service organizations from ad valorem taxation if over 50 percent of the organization's annual net income is expended on behalf of veterans and other charitable causes; amend KRS 132.010 to define "veteran service organization"; apply to property assessed on or after January 1, 2022.
(Prefiled by the sponsor(s).)

BR157 - Representative Buddy Wheatley, Representative Attica Scott
(8/19/2020)

AN ACT relating to election districts and making an appropriation therefor.
Create new sections of KRS Chapter 5 to establish the Advisory Redistricting Commission, which shall be composed of members appointed by the General Assembly and members of the public at large; define terms; establish commissioner pay, conditions, powers, and duties; provide that commissioners' terms correlate with obligations of each census cycle; establish the conditions, powers, and duties of the commission; require the commission to draft redistricting plans for legislative and congressional districts, with parameters prescribed; establish standards to be followed by the commission for commissioners who develop plans; require the commission to submit its redistricting plans to the Legislative Research Commission; require the General Assembly to consider the commission's plans; allow the General Assembly to enact or reject the plans of the commission by a date certain or to return to the commission for adjustment; provide that if the General Assembly does not enact the plans, the plans shall be returned to the commission, which may incorporate changes requested by the General Assembly, but shall not be required to incorporate changes; require the commission to submit to the General Assembly new redistricting plans for enactment at a date certain; allow General Assembly to enact its own redistricting plans after a date certain; provide for penalties and fine upon conviction of persons attempting to influence, or commissioners accepting influence, per the duties of the commission; include severability clause and delay clause; amend KRS 5.005 to remove the Secretary of State being named as a defendant in any action challenging the constitutionality of any legislative district and replace with the Advisory Redistricting Commission being named the defendant; provide that the Act may be cited as the "Fair Maps Act."
(Prefiled by the sponsor(s).)

BR158 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to transparency in campaign finance. Amend KRS 121.015 to define “unauthorized campaign committee”; amend KRS 121.190 to include public disclosure requirements for Internet announcements that expressly advocate for the election or defeat of political candidates or group of candidates; expand the class for public disclosure requirements of paid political advertising and announcements; amend KRS 121.210 to update the statutory reference of unauthorized campaign committees and to provide reporting requirements to the Kentucky Registry of Election Finance; state that this legislation may be cited as the “Campaign Fund Disclosure and Transparency Act of 2021.”
(Prefiled by the sponsor(s).)

BR159 - Representative Joe Graviss
(8/19/2020)

AN ACT relating to a tax credit for volunteer firefighters. Create a new section of KRS Chapter 141 to establish a \$1,000 refundable income tax credit for certain volunteer firefighters; declare the purpose of the credit; require annual reporting to the Legislative Research Commission to evaluate the impact of the credit; amend KRS 141.0205 to provide the ordering of the credit; amend KRS 131.190 to allow reporting.
(Prefiled by the sponsor(s).)

BR160 - Senator Phillip Wheeler
(7/9/2020)

AN ACT relating to off-highway vehicles and making an appropriation therefor. Create a new section of KRS Chapter 189 to define the terms “off-highway vehicle,” “local government,” and “regional authority”; allow a local government that is located within the boundary of a regional authority, to pass an ordinance allowing for the operation of off-highway vehicles (OHVs) on a roadways under local government jurisdiction and state roadways approved by the Transportation Cabinet; allow a local government to petition the Transportation Cabinet to include state-maintained roadways located within the local government’s jurisdiction, for OHV use under local ordinance; prohibits OHV use on fully controlled access highways; outlines OHV ordinance requirements; allow the local government to assess a fee of \$30 for an annual OHV permit for Commonwealth residents and \$50 for nonresidents; specify that all OHV permits expire on April 1 of each year; permit a local government to contract with a regional authority or a private vendor for the issuance of OHV permits; outline OHV operating requirements for OHV permit holders; require OHV passengers under the age of 18 to wear a helmet; outline OHV signage requirement for local governments and the Transportation Cabinet; require reciprocity between local governments who have passed OHV ordinances; allow the Transportation Cabinet to prohibit the operation of OHVs on any public highway that crosses a state highway or any state highway if deemed in the interest of public safety; outline exemptions; amend KRS 189.515 to conform.
(Prefiled by the sponsor(s).)

BR162 - Senator Robby Mills
(7/9/2020)

Urge local governments to make resources available for the protection of monuments, edifices, graves, and lands, and urge peace officers, prosecutors and members of the Kentucky Court of Justice including county attorneys, Commonwealth’s attorneys, and the Kentucky Attorney General to charge and pursue the most stringent violations against defacement and damage of monuments, edifices, graves, and lands, as well as to urge judges of the Circuit, District, and appellate courts to impose and sustain sentences against persons convicted of these offenses to the maximum penalties permitted under law.
(Prefiled by the sponsor(s).)

BR163 - Representative Deanna Frazier
(12/11/2020)

AN ACT relating to telehealth. Create various new sections of KRS Chapter 211 to define terms; require the Cabinet for Health and Family Services to establish minimum standards to telehealth; reestablish the requirement for the Cabinet for Health and Family Services and managed care organizations to study the impact of telehealth on the state’s health care delivery system; prohibit certain practices in telehealth; authorize health practitioner licensure boards to promulgate administrative regulations related to telehealth; amend KRS 205.510 to revise definitions; amend KRS 205.559 to require reimbursement rates for telehealth to be equivalent to reimbursement rates for the same service provided in person, permit the Department for Medicaid services to approve additional telecommunication technologies for telehealth, and to delete the requirement for the Cabinet for Health and Family Services and managed care organizations to study the impact of telehealth on the state’s health care delivery system; amend KRS 205.5591 to require telehealth coverage and reimbursement rates to be equivalent to coverage requirements and reimbursement rates for the same service provided in person; amend KRS 304.17A-005 to delete the definition of “telehealth”; amend KRS 304.17A-138 to define “telehealth” and to require that telehealth coverage and reimbursement rates be equivalent to coverage and reimbursement for the same service provided in person; require the Cabinet for Health and Family Services or the Department for Medicaid Services to seek federal approval if they determine that such approval is necessary; and certain sections EFFECTIVE January 1, 2022.
(Prefiled by the sponsor(s).)

BR168 - Representative James Tipton
(9/17/2020)

AN ACT relating to dually employed retirement system members. Amend KRS 61.545 to provide that if a member is working in a regular full-time hazardous duty position that participates in the Kentucky Employees Retirement System or the County Employees Retirement System and is simultaneously employed in a nonhazardous position that is not considered regular full-time with a different participating employer, the member shall participate solely as a hazardous duty member and shall not participate under the nonhazardous position unless he or she makes an election within 30 days of taking employment in the

nonhazardous position; amend KRS 61.680 to conform; specify that provisions shall only apply to prospective nonhazardous employment occurring on or after the effective date of the Act.
(Prefiled by the sponsor(s).)

BR169 - Representative Attica Scott
(9/16/2020)

AN ACT relating to discriminatory practices against a person. Amend KRS 344.010 to provide definitions of “protective hairstyle” and “race” that include traits historically associated with race; amend KRS 158.148 to provide that school disciplinary codes shall prohibit discrimination on the basis of race; establish the short title of “C.R.O.W.N. Act”.
(Prefiled by the sponsor(s).)

BR171 - Representative Randy Bridges, Representative David Hale
(11/16/2020)

AN ACT relating to intimidation of a sports official. Create a new section of KRS Chapter 518 to create the crime of intimidation of a sports official as a Class A misdemeanor.
(Prefiled by the sponsor(s).)

BR176 - Representative Tina Bojanowski, Representative Kim Banta
(7/29/2020)

Direct the commissioner of education to convene a strategic assessment and accountability committee; establish minimum requirements for the composition of the committee; establish the duties of the committee; require the commissioner to report the findings of the committee to the Interim Joint Committee on Education by December 1, 2021, and December 1, 2022, EMERGENCY.
(Prefiled by the sponsor(s).)

BR179 - Representative Joe Graviss
(11/17/2020)

AN ACT relating to cruelty to animals. Amend KRS 525.130, relating to cruelty to animals, to prohibit spectators and vendors from attending an event where any animal, rather than any four-legged animal, is caused to fight.
(Prefiled by the sponsor(s).)

BR180 - Representative Joe Graviss
(7/14/2020)

AN ACT relating to state employee compensation. Amend KRS 18A.355 to provide for an annual increment for state employees amounting to the average of the consumer price index for the two calendar years prior to the biennium.
(Prefiled by the sponsor(s).)

BR181 - Representative Joe Graviss
(10/21/2020)

AN ACT relating to tax expenditures. Create a new section of KRS Chapter 7A to establish the

Tax Expenditure Oversight Board of the General Assembly and establish a timetable related to the expiration of specifically identified tax expenditures; amend KRS 11.068 to require the Office of State Budget Director to provide an estimate on or before November 30 of each odd-numbered year of the revenue loss resulting from each tax expenditure for the general fund and road fund for the current fiscal year and the next two fiscal years; amend KRS 131.020 to require the Department of Revenue to collect, report, and provide data to the Tax Expenditure Oversight Board; amend KRS 131.190 to allow certain taxpayer data to be exempted from the confidentiality provisions.
(Prefiled by the sponsor(s).)

BR184 - Representative Matthew Koch
(11/17/2020)

AN ACT relating to postsecondary readiness.
Amend KRS 158.6455 to require inclusion of the Armed Services Vocational Aptitude Battery test as a measurement of postsecondary readiness for the state accountability system.
(Prefiled by the sponsor(s).)

BR187 - Representative Myron Dossett
(11/9/2020)

AN ACT relating to landlords and tenants.
Create a new section of KRS Chapter 383.200 to 383.285 to allow a landlord, or agent of a landlord to file and practice a forcible detainer action.
(Prefiled by the sponsor(s).)

BR196 - Representative Maria Sorolis
(9/14/2020)

AN ACT relating to open records.
Amend KRS 61.882, relating to open records, to require the award of costs and attorney fees if a court finds there was an absence of a good faith basis to believe the requested records were exempt from disclosure.
(Prefiled by the sponsor(s).)

BR197 - Representative Maria Sorolis
(9/14/2020)

AN ACT relating to student health.
Amend KRS 160.645 to require at least 25 minutes of student physical activity each school day; expand requirement to include students up to grade 8; prioritize free-play activities taking place outdoors.
(Prefiled by the sponsor(s).)

BR198 - Representative Maria Sorolis
(9/14/2020)

AN ACT relating to open meetings.
Amend KRS 61.846 to allow an agency or the Attorney General to vacate actions taken at a meeting where the agency failed to give notice of the meeting; amend KRS 61.848 to require a person to be awarded court costs and attorney fees when a court finds no basis in good faith for an agency's denial of an open meetings complaint, and to allow a court to vacate actions taken at a meeting where the agency failed to give notice of the meeting.
(Prefiled by the sponsor(s).)

BR199 - Representative Maria Sorolis
(9/16/2020)

AN ACT relating to epinephrine auto-injectors.
Create a new section of Subtitle 17A of KRS Chapter 304 to require health benefits plans to cover epinephrine auto-injectors; cap cost-sharing at \$75 per epinephrine auto-injector; allow cost-sharing cap to be adjusted every 5 years for inflation; amend KRS 18A.225 to require the state employee health plan to comply; EFFECTIVE, January 1, 2022.
(Prefiled by the sponsor(s).)

BR202 - Representative Tom Burch
(10/12/2020)

AN ACT relating to firearms.
Create new sections of KRS Chapter 237 to define terms; grant authority to District Court to issue search warrants to law enforcement officers to seize firearms from persons believed to be dangerous due to untreated mental illness or documented evidence of a propensity for violence; grant authority to law enforcement officers to seize firearms from persons believed to be dangerous without a warrant; establish protocols for court hearing to determine dangerousness of person and authority to prohibit person from possessing firearms; establish protocol for petitions to prove person is no longer dangerous; establish protocol for disposition of seized firearms after specified time; require the Administrative Office of the Courts to collect and publish statistics on gun seizures; establish penalties; amend KRS 16.220 to conform.
(Prefiled by the sponsor(s).)

BR215 - Senator Richard Girdler
(8/19/2020)

AN ACT relating to indemnification of prosecutors.
Amend KRS 15.753 to provide that the Finance and Administration Cabinet shall reimburse the Attorney General, a Commonwealth's attorney, or a county attorney for fees or judgments after being sued for an act or omission in the course of his or her duties.
(Prefiled by the sponsor(s).)

BR216 - Senator Alice Kerr
(8/25/2020)

AN ACT relating to youth mental health protection and declaring an emergency.
Create a new section of KRS Chapter 210 define sexual orientation and gender identity change efforts, mental health professional, and public funds; to prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under eighteen (18) years of age or a person who is eighteen (18) years or older who is an adult as defined in KRS 209.020 or a ward as defined in KRS 387.510; require violations to be subject to board discipline; prohibit public funds from being used for sexual orientation and gender identity change efforts; create a new section of KRS Chapter 211 to require the Department for Public Health to develop, produce, and disseminate educational materials regarding sexual orientation and gender identity change efforts; permit the cabinet to contract for the educational materials; add the short title "Mental Health Protection Act";

EMERGENCY.
(Prefiled by the sponsor(s).)

BR217 - Representative Buddy Wheatley
(9/17/2020)

AN ACT relating to polling places.
Amend KRS 117.087 and 118.035 to extend the ending voting hour from 6 p.m. to 7 p.m.
(Prefiled by the sponsor(s).)

BR220 - Representative Rachel Roberts, Representative Attica Scott
(10/30/2020)

AN ACT relating to sexual offenses by peace officers.
Amend KRS 510.060, rape in the third degree, to include a peace officer who subjects a person in custody or under arrest to sexual intercourse; amend KRS 510.090, sodomy in the third degree, to include a peace officer who subjects a person in custody or under arrest to deviate sexual intercourse; amend KRS 510.120, sexual abuse in the second degree, to include a peace officer who subjects a person in custody or under arrest to sexual contact.
(Prefiled by the sponsor(s).)

BR223 - Representative Rachel Roberts
(10/13/2020)

AN ACT relating to elections.
Amend KRS 117.085 to provide convenience of the voter as a basis for absentee voting; amend KRS 117.088 to conform.
(Prefiled by the sponsor(s).)

BR226 - Senator Mike Nemes
(8/25/2020)

AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.
Propose to amend Section 170 of the Constitution of Kentucky to include in the homestead exemption for owners who are sixty-five years of age or older any increase in ad valorem taxes that are assessed after the latter of the year the owner turned sixty-five, the year the owner purchased the property, or the date this provision was ratified by the voters; add the continued biennial inflation indexing of the homestead exemption amount; make various typographical changes of a nonsubstantive nature; provide ballot language; submit to voters for ratification or rejection; apply to property assessed on and after the January 1st immediately following the date of ratification.
(Prefiled by the sponsor(s).)

BR228 - Representative Josie Raymond
(12/4/2020)

AN ACT proposing to create a new section of the Constitution of Kentucky relating to the environment.
Propose to create a new section of the Constitution of Kentucky establishing a right of the people to have a clean and healthy environment with the preservation of the natural, scenic and cultural values of the environment, and for the Commonwealth to serve as the trustee for the conservation and maintenance of the environment and

its natural resources for the benefit of all people; ballot language provided; submit to voters for ratification or rejection.
(Prefiled by the sponsor(s).)

BR231 - Representative Kim Banta
(8/27/2020)

AN ACT proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of members of the General Assembly.

Propose to amend Section 32 of the Constitution of Kentucky to prevent Senators from serving more than four terms of office, not including partial terms of two years or less, and to prevent members of the House of Representatives from serving more than six terms of office, not including partial terms of two years or less, beginning with those elected in November 2024; provide ballot language; submit to voters for ratification or rejection.
(Prefiled by the sponsor(s).)

BR234 - Representative Mark Hart
(12/9/2020)

AN ACT relating to damages to small businesses resulting from executive orders.

Create a new section of KRS Chapter 39A to define “emergency order” and “small business”; to allow a small business owner adversely effected by an emergency order to bring an action against the Commonwealth for lost income, loss of going concern, or fees and costs if the temporary or partial closure of the business would not have occurred but for compliance with an emergency order; to place the burden of proving the loss is due to the emergency order upon the business owner; to require actions be commenced within 1 year of the expiration of the emergency order that resulted in the closure of the business.
(Prefiled by the sponsor(s).)

BR236 - Representative James Tipton
(8/25/2020)

AN ACT relating to the Kentucky Educational Excellence Scholarship.

Amend KRS 164.7874 to delete the requirement that an eligible high school student and eligible postsecondary student not be a convicted felon for KEES eligibility purposes.
(Prefiled by the sponsor(s).)

BR237 - Representative James Tipton
(12/9/2020)

AN ACT relating to the registration of motorboats and declaring an emergency.

Amend KRS 235.040 to require a motorboat documented with the Coast Guard to display an identifying number issued by federal law and a validation sticker issued by the Commonwealth of Kentucky, but not a Kentucky identification number; amend KRS 235.070 to require a motorboat documented with the Coast Guard to submit a copy of the certificate of documentation with the application for registration; exempt from titling provisions; require registration with the Commonwealth; amend KRS 235.120 to require a validation sticker be issued and displayed on a motorboat’s bow after recordation is

complete; amend KRS 235.125 to require an owner of a motorboat documented with the Coast Guard to remove any number issued by the Commonwealth of Kentucky from the motorboat; require that the validation sticker remain on the motorboat; amend KRS 235.210 to exempt a motorboat documented with the United States Coast Guard covered by an identifying number pursuant to federal law from being required to obtain an identifying number from the Commonwealth of Kentucky; require display of validation sticker; EMERGENCY.
(Prefiled by the sponsor(s).)

BR239 - Representative Kathy Hinkle
(9/4/2020)

AN ACT relating to nonteaching time for teachers.
Amend KRS 158.060 to require teachers to be provided a minimum of 120 minutes per week for nonteaching activities; specify types of teacher-directed activities to be completed during nonteaching time.
(Prefiled by the sponsor(s).)

BR240 - Representative Kathy Hinkle
(9/4/2020)

AN ACT relating to boards of education.
Amend KRS 160.280 to require local school board members to be offered health insurance at the same rates offered to district employees.
(Prefiled by the sponsor(s).)

BR241 - Representative Walker Wood Thomas
(9/15/2020)

AN ACT relating to an exemption of income taxation for military pensions.
Amend KRS 141.019 to exclude United States military retirees’ pension income from income taxation for taxable years beginning on or after January 1, 2021, and before January 1, 2025; require reporting by the Department of Revenue; amend KRS 131.190 to conform.
(Prefiled by the sponsor(s).)

BR243 - Representative Walker Wood Thomas, Representative Kim Banta, Representative Tina Bojanowski, Representative Kevin Bratcher, Representative McKenzie Cantrell, Representative Kelly Flood, Representative Scott Lewis, Representative Patti Minter, Representative Kimberly Moser, Representative Josie Raymond, Representative Rachel Roberts, Representative Steve Sheldon, Representative Cherynn Stevenson, Representative Nancy Tate, Representative Susan Westrom, Representative Buddy Wheatley, Representative Richard White, Representative Lisa Willner
(8/26/2020)

AN ACT relating to interpersonal violence.
Amend KRS 403.720 to include violence against an animal when used as coercive conduct in the definition of “domestic violence and abuse”; amend KRS 403.740 to allow a judge to award possession of a shared domestic animal to the petitioner; amend KRS 456.010 to include violence against an animal when used as coercive conduct in the definition of “dating violence and abuse”; amend KRS 456.060 to allow a judge to award possession of a shared domestic animal to the petitioner.
(Prefiled by the sponsor(s).)

BR244 - Representative Walker Wood Thomas
(9/15/2020)

AN ACT relating to audiology and speech-language pathology.

Create a new section of KRS Chapter 334A.010 to enact and enter into the Audiology and Speech-Language Pathology Interstate Compact with all other jurisdictions that legally join in the compact; declare the purpose of the compact; establish definitions; recognize a multistate licensure privilege to practice for audiologists and speech-language pathologists; recognize a multistate licensure privilege for audiologists and speech-language pathologists to practice audiology and speech-language pathology via telehealth; establish provisions for active duty military personnel and their spouses; authorize a remote state to take adverse action against an audiologist or speech-language pathologist’s privilege to practice within that member state; authorize a home state to take adverse action against an audiologist’s or speech-language pathologist’s license issued by the home state; create the Audiology and Speech-Language Pathology Compact Commission; provide immunity for party states, officers, employees, or representatives of the Commission who act in accordance with the compact; require the Commission to create a database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states; establish procedures for rulemaking; authorize the Commission to attempt to resolve disputes related to the compact that arise among member states and between member and non-member states; require provisions of the compact to become effective the day it is enacted into law once a state enters the Compact; provide for severability for any provision in the compact that is contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance.
(Prefiled by the sponsor(s).)

BR245 - Representative Walker Wood Thomas, Representative Lisa Willner, Representative Kimberly Moser
(9/15/2020)

AN ACT relating to the Psychology Interjurisdictional Compact.

Create a new section of KRS Chapter 319 to enact and enter into the Psychology Interjurisdictional Compact with all other jurisdictions that legally join the compact; declare the purpose of the compact; define terms; allow a psychologist to hold one or more compact state licenses at a time; recognize the right of a psychologist licensed in the compact to practice telepsychology in other compact states where the psychologist is not licensed; establish conditions under which a psychologist licensed to practice in a compact state can practice telepsychology; establish the conditions under which a psychologist licensed to practice in a compact state may be granted a temporary authorization to practice; authorize a home state to take adverse action against a psychologist’s license issued by the home state; allow a receiving state to take adverse action on a psychologist’s authority to practice interjurisdictional telepsychology within that receiving state; authorize a compact state’s ability to issue subpoenas for hearings and investigation as well as cease and desist and injunctive relief orders to revoke a psychologist’s authority to practice interjurisdictional telepsychology

and temporary authorization to practice; establish the Psychology Interjurisdictional Compact Commission; require the commission to provide for and maintain a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on psychologists participating in the compact; provide immunity for members, officers, executive director, employees and representatives of the commission who act in accordance with the provisions of the compact; authorize the commission to establish rulemaking procedures; authorize the executive, judicial, and legislative branches of state government to enforce the provisions of the compact; affirm that rules promulgated will have standing as statutory law; require provisions of the compact to become effective on the date the compact is enacted into law in the seventh compact state.
(Prefiled by the sponsor(s).)

BR255 - Representative Myron Dossett
(12/11/2020)

AN ACT relating to motor vehicle titles.
Amend KRS 186A.555 to provide a “cosmetic damage” title for motor vehicles that have received cosmetic damage only; amend KRS 186A.530 to conform.
(Prefiled by the sponsor(s).)

BR258 - Representative Ashley Tackett Laferty
(11/16/2020)

AN ACT establishing celebratory commissions for the Kentucky State Parks centennial anniversary, the Old Fort Harrod State Park semiquincentennial anniversary, and the United States semiquincentennial anniversary.
Create a new section of KRS Chapter 148 to establish the Kentucky State Park Centennial Commission, the Kentucky Semiquincentennial Commission, and the Old Fort Harrod Semiquincentennial Commission to coordinate celebrations; establish membership of the commissions; establish sunset dates for the provisions.
(Prefiled by the sponsor(s).)

BR259 - Representative Ashley Tackett Laferty
(10/6/2020)

AN ACT relating to workers’ compensation.
Amend KRS 342.020 to require an employer to pay for medical benefits at the time of injury and thereafter during disability instead of 780 weeks; amend KRS 342.990 to conform.
(Prefiled by the sponsor(s).)

BR260 - Representative Ashley Tackett Laferty
(10/6/2020)

AN ACT relating to the taxation of pension income.
Amend KRS 141.019, relating to the individual income tax, to increase the pension income exclusion from \$31,110 to \$41,110.
(Prefiled by the sponsor(s).)

BR261 - Representative Ashley Tackett Laferty
(10/6/2020)

AN ACT relating to a tax credit for volunteer firefighters.

Create a new section of KRS Chapter 141 to establish a refundable income tax credit for certain volunteer firefighters; declare the purpose of the credit; require annual reporting to the Legislative Research Commission to evaluate the impact of the credit; amend KRS 141.0205 to provide the ordering of the credit; amend KRS 131.190 to allow confidential tax return information to be shared with the Legislative Research Commission.
(Prefiled by the sponsor(s).)

BR262 - Representative Ashley Tackett Laferty
(10/6/2020)

AN ACT relating to occupational disease claims.
Amend KRS 342.125 to remove the requirement that an affected employee previously diagnosed with occupational pneumoconiosis resulting from exposure to coal dust must have an additional two years of employment in the Commonwealth wherein the employee was continuously exposed to the hazards of the disease in order to reopen a claim.
(Prefiled by the sponsor(s).)

BR270 - Senator Phillip Wheeler
(12/11/2020)

AN ACT relating to de facto custodians.
Amend KRS 403.270 to specify that the existing time periods required to be considered a de facto custodian be calculated in aggregate within the last two years.
(Prefiled by the sponsor(s).)

BR274 - Representative Jason Nemes, Representative Russell Webber, Representative Kevin Bratcher, Representative Jerry Miller, Representative Phillip Pratt
(11/18/2020)

AN ACT relating to free-standing alternative birthing centers.
Create a new section of KRS Chapter 216B to define “free-standing alternative birthing center”; require the Cabinet for Health and Family Services to promulgate administrative regulations to establish licensure standards for free-standing alternative birthing centers including requiring accreditation by the Commission for the Accreditation of Birth Centers, compliance with the American Association of Birth Centers (AABC) Standards for Birth Centers, and a six-month provisional license to be issued when all requirements for licensure other than accreditation have been met to allow a facility time to become accredited; require the cabinet to form an ad hoc committee to provide input on the development of administrative regulations; state that a certificate of need is not required to establish and license a free-standing alternative birthing center; amend KRS 216B.020 to conform; add the short title Mary Carol Akers Birth Centers Act.
(Prefiled by the sponsor(s).)

BR279 - Representative James Tipton
(12/10/2020)

AN ACT relating to retirement.
Create a new section of KRS Chapter 21.345 to 21.580 to close the Legislators’ Retirement Plan (LRP) and Judicial Retirement Plan (JRP) to new members effective July 1, 2021, and to provide that new legislators and judges

shall participate in the Kentucky Employees Retirement System (KERS) for the duration of their legislative service; clarify that legislators who are also teachers contributing to the Teachers’ Retirement System (TRS) may continue to participate in TRS while serving as a member of the General Assembly; provide that LRP and JRP members who entered the plans on or after 1/1/2014 and who are participating in the cash balance plan shall have their account balance transferred to the KERS hybrid cash balance plan and shall prospectively participate in KERS for the duration of their legislative service; repeal, reenact, and amend KRS 6.505, 21.360, and 21.480 to provide that legislative changes that are enacted on or after July 1, 2021, for LRP and JRP shall not be part of the “inviolable contract” and to make conforming amendments; repeal, reenact, and amend KRS 6.520 to provide that the LRP benefit factor for the traditional defined benefit plan shall be lowered from 2.75% to 1.97% for service accrued on or after July 1, 2021; repeal, reenact, and amend KRS 6.525 to provide that non-legislative compensation earned in another state-administered retirement system or plan on or after July 1, 2021, shall not be used to calculate benefits in the Legislators’ Retirement Plan; amend KRS 21.525 to provide that the Judicial Form Retirement System shall not request nor receive any funding for the Legislators’ Retirement Plan (LRP), except for administrative expenses, until such time the LRP plan has an actuarial funding level equal to or less than the KERS nonhazardous pension fund; amend KRS 61.510 to provide that for any service to the General Assembly that is credited to the Kentucky Employees Retirement System, no compensation earned for other covered public employment shall be used to determine the portion of their benefit related to their service to the General Assembly; amend KRS 6.500 and repeal, reenact, and amend KRS 21.402 and 61.680 to conform and to restore/remove language due to a recent court ruling.
(Prefiled by the sponsor(s).)

BR280 - Representative James Tipton
(11/4/2020)

AN ACT proposing an amendment to the Constitution of Kentucky relating to the recall of elected officials.
Propose to create a new section of the Constitution of Kentucky to provide for the recall of all elected officials, except judges, by the voters; provide ballot language; submit to voters for ratification or rejection.
(Prefiled by the sponsor(s).)

BR283 - Representative Jeffery Donohue
(8/27/2020)

AN ACT relating to bus operation safety.
Create a new section of KRS Chapter 158 to require the Department of Education to develop, in cooperation with the Transportation Cabinet, a risk reduction program for school bus operators; outline requirements of the program; outline school district implementation requirements; require reporting of assaults; specify that the provisions also apply to public charter schools; require the Department of Education to promulgate administrative regulations; create a new section of KRS Chapter 281 to require the Transportation Cabinet to develop a risk reduction program for commercial bus operators; outline requirements; outline implementation requirements; require reporting of assaults; amend KRS

281.990 to establish an initial penalty of \$5,000 for failure to implement the program required; if program is not implemented 14 days after the initial penalty is assessed, an additional fee of \$250 per day shall be assessed until implementation.
(Prefiled by the sponsor(s).)

BR284 - Representative Chris Freeland, Representative Tina Bojanowski, Representative Kelly Flood, Representative Scott Lewis, Representative Patti Minter, Representative Josie Raymond, Representative Rachel Roberts, Representative Susan Westrom, Representative Buddy Wheatley, Representative Richard White, Representative Lisa Willner
(9/25/2020)

AN ACT relating to torture of a dog or cat.
Amend KRS 525.135, relating to torture of a dog or cat, to add specific acts to definition of torture; make all violations a Class D felony; make each act of torture prosecutable as a separate offense; make the exemptions applicable only where there is no intent to cause, increase, or prolong the pain and suffering of the dog or cat.
(Prefiled by the sponsor(s).)

BR285 - Representative Kevin Bratcher
(12/2/2020)

AN ACT relating to enforcement of a lien against a storage unit occupant.
Amend KRS 359.230 to permit storage facilities to advertise lien enforcement auction notices on a publicly accessible Web site as an alternative to publication in a newspaper of general circulation.
(Prefiled by the sponsor(s).)

BR301 - Representative Savannah Maddox, Representative Mark Hart, Representative Kevin Bratcher, Representative Joseph Fischer, Representative Thomas Huff, Representative Richard White
(9/9/2020)

AN ACT relating to ensuring basic liberties regarding immunizations and declaring an emergency.
Amend KRS 214.036 to prohibit required immunization of any person by any state agency or instrumentality; create the short title “Ensuring Bodily Autonomy and Informed Consent Act”; EMERGENCY.
(Prefiled by the sponsor(s).)

BR303 - Senator Danny Carroll
(9/18/2020)

AN ACT relating to the safety of canines and felines.
Create a new section of KRS Chapter 411 to provide civil immunity for damaging a vehicle if a person enters the vehicle with the reasonable, good-faith belief that a dog or cat is in immediate danger of death if not removed.
(Prefiled by the sponsor(s).)

BR304 - Senator Danny Carroll
(12/11/2020)

AN ACT relating to road safety.
Amend KRS 512.070 to include, as criminal littering, permitting unsafe amounts of mowed grass to remain on a

highway.
(Prefiled by the sponsor(s).)

BR305 - Senator Danny Carroll
(9/18/2020)

AN ACT relating to assisted-living communities.
Create a new section of KRS 194A.700 to 194A.729 to prohibit certification or certification renewal of an assisted-living community if it is owned, managed, or operated by any person convicted of certain crimes or listed on an abuse list; exempt owner of an assisted-living facility certified as of July 1, 2020; amend KRS 194A.700 to amend definitions; amend KRS 194A.707 to make changes to the appeals and renewal processes; amend KRS 194A.717 to prohibit on-site staff person from being shared with another level of care; amend KRS 194A.723 to permit the cabinet to initiate injunctive relief in Circuit Court.
(Prefiled by the sponsor(s).)

BR312 - Representative Jeffery Donohue, Representative Buddy Wheatley
(9/15/2020)

AN ACT relating to a living wage.
Create a new section of KRS Chapter 337 to require any employer doing business in Kentucky that receives governmental incentives or subsidies to pay its employees a living wage.
(Prefiled by the sponsor(s).)

BR314 - Representative Joni Jenkins, Representative Buddy Wheatley, Representative Lisa Willner
(9/4/2020)

AN ACT relating to wages.
Amend KRS 337.010 to increase the applicable threshold of employees of retail stores and service industries from \$95,000 to \$500,000 average annual gross volume of sales for the employer; amend KRS 337.275 to raise the state minimum wage to \$8.20 per hour on July 1, 2021, \$9.15 per hour on July 1, 2022, \$10.10 per hour on July 1, 2023, \$11 per hour on July 1, 2024, \$12.05 per hour on July 1, 2025, \$13.10 per hour on July 1, 2026, \$13.95 per hour on July 1, 2027, and \$15 per hour on July 1, 2028; raise the state minimum wage for tipped employees to \$2.13 per hour on the effective date of the Act, \$3.05 per hour on July 1, 2022, \$3.95 per hour on July 1, 2023, and \$4.90 per hour on July 1, 2024; include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.
(Prefiled by the sponsor(s).)

BR315 - Representative Al Gentry, Representative Joni Jenkins, Representative Rachel Roberts, Representative Buddy Wheatley, Representative Lisa Willner
(9/22/2020)

AN ACT relating to prevailing wage.
Establish new sections of KRS Chapter 337 to create a prevailing wage law for all public works projects; amend KRS 12.020, 99.480, 227.487, 336.015, 337.010, and 337.990 to conform.
(Prefiled by the sponsor(s).)

BR316 - Representative Rachel Roberts, Representative Joni Jenkins, Representative Lisa Willner
(9/4/2020)

AN ACT relating to wages for employment.
Create a new section of KRS Chapter 337 to make it a discriminatory employment action if an employer asks questions about previous salary or wages, relies on previous salary when setting a new salary, or refuses to hire if an applicant does not provide previous salary, except to allow a request for information voluntarily provided in response to an offer of employment; allow previous salary to be considered when required by law, when discovered while looking at other nonsalary information, and for public employee positions; require notice to be posted for employees; amend KRS 337.990 to assess a civil penalty for a violation.
(Prefiled by the sponsor(s).)

BR317 - Representative Cherlynn Stevenson, Representative Joni Jenkins, Representative Buddy Wheatley, Representative Lisa Willner
(9/4/2020)

AN ACT relating to earned paid sick leave.
Create a new section of KRS Chapter 337 to require employers to provide earned paid sick leave to employees; provide that employees earn paid sick leave upon the date of hire and can use the leave after being employed for 90 days; set forth allowable uses of earned paid sick time; designate how notice of need to use sick time is provided by employees; amend KRS 337.990 to establish penalty for employers that fail to follow paid sick leave requirements.
(Prefiled by the sponsor(s).)

BR318 - Representative Josie Raymond, Representative Joni Jenkins, Representative Rachel Roberts, Representative Buddy Wheatley, Representative Lisa Willner
(9/4/2020)

AN ACT relating to employment provisions for employees on parental leave.
Create a new section of KRS Chapter 337 to require employers with 50 or more employees to provide 12 weeks of paid parental leave for an employee who has been employed for at least one year; allow an employee to waive the paid parental leave; provide for the promulgation of administrative regulations.
(Prefiled by the sponsor(s).)

BR319 - Representative Jim Glenn, Representative Joni Jenkins, Representative Lisa Willner
(9/16/2020)

AN ACT relating to workers' compensation.
Amend KRS 342.020 to require an employer to pay for medical benefits at the time of injury and thereafter during disability instead of 780 weeks; amend KRS 342.990 to conform.
(Prefiled by the sponsor(s).)

BR322 - Representative Jeffery Donohue, Representative Joni Jenkins, Representative Rachel Roberts, Representative Buddy Wheatley, Representative Lisa Willner
(9/15/2020)

AN ACT relating to employment.
Amend KRS 336.130 to delete references restricting rights of public employees to organize, associate collectively, or strike; amend KRS 336.180 definition of “labor organization” and delete definitions of “employer” and “employee”; amend KRS 336.990 to conform; amend KRS 67A.6904 to allow urban county governments to make an agreement with a labor organization to require as a condition of employment membership therein; amend KRS 67C.406 to allow consolidated local governments to make an agreement with a labor organization to require as a condition of employment membership therein; amend KRS 70.262, KRS 78.470 and KRS 78.480 to remove exceptions; amend KRS 345.050 to allow public employers to make an agreement with a labor organization to require as a condition of employment membership therein; repeal KRS 65.016, KRS 336.132 and KRS 336.134.
(Prefiled by the sponsor(s).)

BR324 - Representative Ashley Tackett Laferty
(10/6/2020)

AN ACT relating to wage theft.
Create a new section of Chapter 514 to create the offense of theft of wages and establish penalties; define employer and employee; amend KRS 336.080 to indicate the secretary may enter places of employment without unreasonable delay to inspect a place of employment; amend KRS 337.020 to allow the commissioner to charge and collect past due wages; amend KRS 337.070 to require certain employers to include rate of pay, the number of hours worked, and the total amount of gross pay earned on wage statements provided to employees; amend KRS 337.320 to require employers to keep certain records for three years; create a new section of Chapter 337 to require employers to provide to an employee a written notice at the time of hire that sets forth employment terms; amend KRS 337.990 to include a civil penalty for failure to provide the written notice to employee and maintain a copy of the signed notice.
(Prefiled by the sponsor(s).)

BR327 - Representative Danny Bentley
(9/16/2020)

Proclaim April 26, 2021, to be Diabetic Ketoacidosis Awareness Day in Kentucky.
(Prefiled by the sponsor(s).)

BR328 - Representative Danny Bentley
(9/16/2020)

AN ACT relating to reimbursement for pharmacist services.
Create a new section of Subtitle 12 of KRS Chapter 304 to establish certain insurance practices relating to the reimbursement of pharmacists; amend KRS 304.14-135 to establish a clean claim form for the reimbursement of certain pharmacist services or procedures; amend KRS 304.17A-844 and 304.17B-011 to conform; amend KRS 18A.225 to require the state employee health plan to

comply with pharmacist reimbursement requirements; amend KRS 342.020 to require workers’ compensation employers, insurers, and payment obligors to comply with pharmacist reimbursement requirements.
(Prefiled by the sponsor(s).)

BR329 - Representative Danny Bentley
(9/16/2020)

AN ACT relating to the taxation of incontinence products.
Amend KRS 139.472 to exempt prescription incontinence products from sales tax and use tax when sold to a person with a medical diagnosis of incontinence and a prescription for the product; amend KRS 139.190 to allow the Department of Revenue to report the exemption to the Legislative Research Commission by October 1 each year; EFFECTIVE August 1, 2021.
(Prefiled by the sponsor(s).)

BR332 - Representative Melinda Prunty
(12/7/2020)

AN ACT relating to the codification of existing Medicaid cancer coverage.
Amend KRS 205.522 to require the Department for Medicaid Services and any managed care organization contracted to provide Medicaid benefits in the Commonwealth to comply with KRS 304.17A-257, relating to coverage for colorectal cancer examinations and laboratory tests, and KRS 304.17A-259, relating to coverage for genetic test for cancer risk.
(Prefiled by the sponsor(s).)

BR333 - Representative Dean Schamore
(10/16/2020)

AN ACT relating to the Kentucky National Guard Adoption Assistance Program and declaring an emergency.
Amend KRS 36.477 to raise the amount of available assistance from the Kentucky National Guard Adoption Assistance Program; EMERGENCY.
(Prefiled by the sponsor(s).)

BR334 - Representative Dean Schamore, Representative Joni Jenkins, Representative Rachel Roberts
(9/16/2020)

AN ACT relating to prevailing wage in the Commonwealth.
Create new sections of KRS Chapter 337 to create a prevailing wage law for all public works projects; amend KRS 12.020, 99.480, 227.487, 336.015, 337.010, and 337.990 to conform.
(Prefiled by the sponsor(s).)

BR336 - Representative Rachel Roberts, Representative Joni Jenkins, Representative Lisa Willner
(9/16/2020)

AN ACT relating to leave from employment.
Amend KRS 337.415, relating to court-ordered appearances by employees, to prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime; require an employee to give an employer reasonable notice to take leave when practicable; provide guidelines for use of paid

leave; require the employer to maintain confidentiality of records and communication with employee crime victim; create a private right of action for improper discharge, discrimination, retaliation, and failing to maintain confidentiality; define terms; amend KRS 337.990 to establish penalties in the case of violation by employer.
(Prefiled by the sponsor(s).)

BR342 - Representative Rob Wiederstein
(11/13/2020)

AN ACT relating to the right to repair heavy equipment.
Create a new section of KRS Chapter 367 to require heavy equipment dealers in the Commonwealth to make available for purchase heavy equipment parts, repair tools, manuals, schematics, updates to embedded software, and electronic diagnostic repair equipment; require the Attorney General to administer and enforce these provisions; establish penalties for noncompliance.
(Prefiled by the sponsor(s).)

BR344 - Representative Jason Nemes
(9/18/2020)

AN ACT relating to paid parental leave.
Create a new section of KRS Chapter 18A to allow employees of the Commonwealth of Kentucky a paid leave of absence of 12 weeks for the birth or adoption of a child and to establish requirements for the paid leave of absence; amend KRS 18A.025 and 18A.110 to conform.
(Prefiled by the sponsor(s).)

BR345 - Representative Rob Wiederstein
(11/13/2020)

AN ACT relating to antitrust regulation in Kentucky.
Amend KRS 367.175 to expand the unlawful activities to include persons in dominant positions and abusing that position; to include a criminal fine for persons and corporations in violation of this section; to subject insurance entities in the state to this section with exception; and to create a civil cause of action, including class actions, for persons violated by conduct defined in this section.
(Prefiled by the sponsor(s).)

BR346 - Representative Dean Schamore
(9/16/2020)

AN ACT relating to public procurement.
Create new sections of KRS Chapter 45A to set forth findings of the General Assembly and establish a policy of the Commonwealth of Kentucky to promote the Kentucky and United States economies by requiring a preference for iron, steel, aluminum, and manufactured goods produced in Kentucky and the United States; define “manufactured in Kentucky,” “manufactured in the United States,” and “United States”; require preference for iron, steel, aluminum, and manufactured goods made in Kentucky in construction and maintenance contracts and subcontracts; provide for a waiver of the Kentucky preference requirement; require preference for iron, steel, aluminum, and manufactured goods made in the United States if the Kentucky waiver is granted; provide for a waiver of the United States preference requirement; establish a short title of “Kentucky Buy American Act”; amend KRS 45A.343, 45A.352, 65.027, 162.070, 164A.575, 176.080, and

424.260 to require compliance.
(Prefiled by the sponsor(s).)

BR347 - Representative Angie Hatton
(12/11/2020)

AN ACT relating to mining licenses and making an appropriation therefor.
Create a new section of KRS Chapter 351 to require any owner, operator, lessee, or licensee of a coal mine holding a license under Section 2 of the Act that has been doing business in the Commonwealth for fewer than 5 consecutive years to submit a certification from the commissioner of the Department of Workplace Standards that the licensee is compliant with or exempt from the performance bonding requirements of Section 3 of the Act; amend KRS 351.175 to require any coal mine licensee applicant to submit a certification from the commissioner of the Department of Workplace Standards that the applicant is compliant with or exempt from the performance bonding requirement of Section 3 of the Act; require the department to revoke any license if the department receives notification that the licensee is neither compliant nor exempt from the performance bonding requirements of Section 3 of the Act; amend KRS 337.200 to require the commissioner of the Department of Workplace Standards to notify the Department for Natural Resources of any employer engaged in the severance, preparation, or transportation of minerals that is not compliant with the performance bonding requirements that section; amend KRS 337.994 to require that all penalties collected for violations of Section 3 of the Act be paid to employees injured by the employer's failure to post the performance bond; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR349 - Representative Rob Wiederstein
(10/7/2020)

AN ACT relating to adopting the most cost-effective alternative in administrative regulations having a major economic impact on the Kentucky economy.
Create new sections of KRS Chapter 13A to establish requirements and procedures for an administrative regulation that constitutes a major economic action; create the Regulatory Economic Analysis Advisory Group to consult on these regulations; set the group's membership, powers, and duties; require a promulgating agency to provide listed documents to the group and the public at least 60 days before filing the regulation; direct an agency to conduct and publish a detailed analysis of any major economic action regulation, including a cost-benefit analysis; establish filing requirements for these regulations; require an agency to publicly provide a framework for assessing the regulation; designate a short title of the "Kentucky Regulatory Cost Minimization Act of 2021"; amend KRS 13A.010 to define a major economic action; amend KRS 13A.030 to add a defective major economic action to the list of reasons a subcommittee may find a regulation deficient; amend KRS 13A.3104 to establish certification letter procedures for a major economic action regulation; stagger the initial terms of the appointed members of the advisory group.
(Prefiled by the sponsor(s).)

BR350 - Representative Rob Wiederstein
(10/7/2020)

AN ACT relating to eliminating the certificate of need in order to control healthcare costs through competition and declaring an emergency.
Amend KRS 13B.020 to delete reference to certificate of need hearings; amend KRS 194A.010 to delete reference to the certificate of need and the state health plan; amend KRS 194A.030 to delete reference to the certificate of need; amend KRS 211.192 to conform; amend KRS 205.634 to delete requirement for certificate of need; amend KRS 216.361 to delete requirement for certificate of need; amend KRS 216.380 to delete requirement for certificate of need and reference to the state health plan; amend KRS 216.560 to conform; amend KRS 216.885 to delete requirement for certificate of need; amend KRS 216B.015 to delete and correct definitions relating to certificate of need; amend KRS 216B.020 to delete exemptions to the certificate of need; amend KRS 216B.042 to delete reference to the certificate of need; amend KRS 216B.0445 to delete the requirement for a certificate of need; amend KRS 216B.065 to delete the requirement for a certificate of need; amend KRS 216B.066 to delete the requirement for a certificate of need; amend KRS 216B.115 to delete reference to the certificate of need; amend KRS 216B.131 to delete reference to the certificate of need; amend KRS 216B.185 to conform; amend KRS 216B.250 to change Human Resources to Health and Family Services; amend KRS 216B.300 to conform; amend KRS 216B.332 to delete exemption from certificate of need; amend KRS 216B.455 to delete the requirement for a certificate of need; amend KRS 216B.457 to delete the requirement for a certificate of need; amend KRS 216B.990 to delete penalty for not obtaining a certificate of need; amend KRS 218A.175 to conform; amend KRS 304.17-312, 304.17-313, 304.17-317, 304.18-035, 304.18-037, 304.32-156, 304.32-280, 304.38-210, and 311.760 to replace the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board with the Cabinet for Health and Family Services; amend KRS 304.17A-147 to conform; amend KRS 304.17A-1473 to conform; amend KRS 304.38-020 to delete reference to the certificate of need; amend KRS 304.38-040 to delete required evidence of a certificate of need; amend KRS 304.38-090 and KRS 304.38-130 to replace the Kentucky Certificate of Need and Licensure Board with the Cabinet for Health and Family Services; amend KRS 311.377 to delete references to the certificate of need; amend KRS 314.027 to delete reference to the certificate of need; amend KRS 347.040 to delete reference to the state health plan; repeal KRS 211.9523, 216B.010, 216B.035, 216B.040, 216B.061, 216B.0615, 216B.062, 216B.085, 216B.086, 216B.090, 216B.095, 216B.125, 216B.130, and 216B.180; establish short title; EMERGENCY.
(Prefiled by the sponsor(s).)

BR353 - Representative Buddy Wheatley
(9/24/2020)

AN ACT relating to collective bargaining for public employees.
Create a new section of KRS Chapter 336, relating to collective bargaining for public employees; amend KRS 336.010 to define "public employees"; amend KRS 336.130 to allow employees of the Commonwealth of

Kentucky to collectively bargain.
(Prefiled by the sponsor(s).)

BR354 - Representative Cherlynn Stevenson,
Representative Rachel Roberts
(10/19/2020)

AN ACT relating to health care to provide for an all-payer claims database and making an appropriation therefor.
Create a new section of KRS Chapter 194A to require the executive director of the Office of Health Data and Analytics to establish an advisory committee to make recommendations regarding the creation of a Kentucky all-payer claims database; establish the Kentucky all-payer claims database fund; require the executive director to establish the database if certain conditions are met; set forth requirements for the database; amend KRS 304.2-100 to require the commissioner of the Department of Insurance to assist; create a new section of Subtitle 99 of KRS Chapter 304 to require the commissioner to promulgate administrative regulations designating the assessment of a fine for persons that do not comply with reporting requirements; establish short title; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR357 - Representative Josie Raymond, Representative Buddy Wheatley
(10/6/2020)

AN ACT related to preschool education programs.
Amend KRS 157.320 to define "at-risk"; amend KRS 157.3175 to expand eligibility for preschool education programs to children who reside in households with an income at or below 200% of the federal poverty level.
(Prefiled by the sponsor(s).)

BR359 - Representative Josie Raymond
(10/28/2020)

AN ACT relating to campaign finance.
Amend KRS 121.175 to define and include "personal use services," including childcare and elder care, as an allowable campaign expenditure.
(Prefiled by the sponsor(s).)

BR362 - Representative Maria Sorolis
(9/18/2020)

AN ACT relating to election districts and making an appropriation therefor.
Create new sections of KRS Chapter 5 to establish the Advisory Redistricting Commission, which shall be composed of members appointed by the General Assembly and members of the public at large; define terms; establish commissioner pay, conditions, powers, and duties; provide that commissioners' terms correlate with obligations of each census cycle; establish the conditions, powers, and duties of the commission; require the commission to draft redistricting plans for legislative and congressional districts, with parameters prescribed; establish standards to be followed by the commission for commissioners who develop plans; require the commission to submit its redistricting plans to the Legislative Research Commission; require the General Assembly to consider the commission's plans; allow the General Assembly to enact or reject the plans of the commission by a date certain or to

return to the commission for adjustment; provide that if the General Assembly does not enact the plans, the plans shall be returned to the commission, which may incorporate changes requested by the General Assembly, but shall not be required to incorporate changes; require the commission to submit to the General Assembly new redistricting plans for enactment at a date certain; allow General Assembly to enact its own redistricting plans after a date certain; provide for penalties and fine upon conviction of persons attempting to influence, or commissioners accepting influence, per the duties of the commission; include severability clause and delay clause; amend KRS 5.005 to remove the Secretary of State being named as a defendant in any action challenging the constitutionality of any legislative district and replace with the Advisory Redistricting Commission being named the defendant; provide that the Act may be cited as the “Fair Maps Act.” (Prefiled by the sponsor(s).)

BR366 - Representative Jerry Miller
(10/21/2020)

AN ACT relating to local school boards.
Amend KRS 160.210 to require county school board election divisions be compact and contiguous and respect existing neighborhood, community, and city boundaries if possible; require division lines be redrawn upon merger, annexation, or compliance with KRS 117.055; require a county school board to initiate reapportionment proceedings within 90 days of the General Assembly’s redistricting plan becoming law; establish deadline to change election divisions to June 1 of an election year; delete antiquated language; amend KRS 116.200 to conform.
(Prefiled by the sponsor(s).)

BR371 - Representative Buddy Wheatley, Representative Rachel Roberts
(10/13/2020)

AN ACT relating to elections.
Amend 118.025 to remove straight-party voting as a ballot option in a regular election; amend KRS 117.125, 117.381, 117.155, and 117.205 to conform.
(Prefiled by the sponsor(s).)

BR376 - Representative Melinda Prunty
(11/19/2020)

AN ACT relating to the performance of an abortion upon a minor and declaring an emergency.
Amend KRS 311.732, relating to performance of an abortion upon a minor, to require the informed written consent of a parent or legal guardian to include a copy of that parent’s or legal guardian’s government-issued identification and to include specific language; require the physician to keep a copy of the informed written consent for at least 7 years; require the physician to execute an affidavit; require additional criteria and standards for when a court determines whether to allow a minor to self-consent to an abortion; require the court hearing to remain confidential and be held in a private, informal setting within the courthouse; require, in the case of a medical emergency, for the physician to notify the parent or legal guardian within 24 hours of the abortion; amend KRS 311.595 to allow the Kentucky Board of Medical Licensure to suspend or revoke the license of any physician for

violations; amend KRS 311.990 to establish criminal penalties for violations; amend KRS 213.101 to expand the statistical reporting system for abortions; EMERGENCY.
(Prefiled by the sponsor(s).)

BR377 - Representative Rob Wiederstein
(11/13/2020)

AN ACT relating to the publication of minutes of special purpose governmental entities.
Create a new section of KRS Chapter 65A to require special purpose governmental entities to submit their minutes to the Department for Local Government for publication on the portal; amend KRS 65A.040 to conform.
(Prefiled by the sponsor(s).)

BR379 - Senator John Schickel
(10/5/2020)

Honor Randy Poe upon being appointed to the Kentucky Board of Education.
(Prefiled by the sponsor(s).)

BR383 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to opportunities in education.
Create new sections in KRS Chapter 141 to establish the Education Opportunity Account Program; define terms and eligibility for the program; establish the requirements of the account-granting organizations and the Department of Revenue; allow auditing of account-granting organizations by the Department of Revenue; create a tax credit for taxes imposed by KRS 141.020, 141.040, and 141.0401; require reporting to the Interim Joint Committee on Appropriations and Revenue; create short title; amend KRS 141.0205 to order the tax credit; amend KRS 131.190 to allow reporting by the Department of Revenue.
(Prefiled by the sponsor(s).)

BR389 - Representative Kimberly Moser
(9/25/2020)

Create the Severe Mental Illness Task Force to study the provision of mental health services to adults with a severe mental illness; outline task force membership; require the task force to meet monthly during the 2021 Interim and to submit findings and recommendations to the Legislative Research Commission by December 1, 2021.
(Prefiled by the sponsor(s).)

BR392 - Representative Sal Santoro
(12/10/2020)

AN ACT relating to motorcycles.
Create a new section of KRS 186.400 to 186.640 to require the Transportation Cabinet to establish a restriction category on the motorcycle operator’s license to restrict license holders to operation of 3-wheeled motorcycles only; amend KRS 186.480 to clarify the procedures for motorcycle skills testing by mandating that applicants who take the skills test on a 3-wheeled motorcycle shall be issued motorcycle operator’s licenses with the 3-wheeled restriction; amend KRS 15A.352 to allow out-of-state residents to take training courses; clarify that applicants who are exempted from testing by virtue of passing an

education course have the same wheel restrictions if they took the training on a 3-wheeled motorcycle; amend KRS 15A.354 to require the instructors be reviewed every two years, instead of annually; amend KRS 15A.350 to conform.
(Prefiled by the sponsor(s).)

BR394 - Representative Matthew Koch
(10/28/2020)

AN ACT relating to massage therapy.
Amend KRS 309.350 to establish the definition for “massage establishment”; amend KRS 309.351 to allow licensed massage therapists to use pulsed electromagnetic field therapy or microcurrent devices for which they are trained; prohibit the application of ultrasounds and the prescribing of medication; amend KRS 309.354 to allow at least one board member to be a designated representative of a school owner or designated representative of a school director; amend KRS 309.355 to allow the board to fine any massage establishment that employs or contracts with unlicensed practitioners who perform massages; allow the board to fine any massage establishment that fails to report to the board any license massage therapist who violates KRS Chapter 309.350 to 309.364 or administrative regulations promulgated by the board while employed by the massage establishment; give the board the authority to hire staff for the work of the board; amend KRS 309.357 to remove the list of existing fees from statute and charge the board with promulgating administrative regulations that establish a reasonable schedule of fees for the issuance and restoration of licenses and certificates and for the renewal of licenses; establish the conditions under which a license may be reinstated or renewed; require the completion of one hour of continuing education for every six months a license has been in an inactive state; KRS 309.358 to add background checks conducted by the Kentucky State Police and the Federal Bureau of Investigation as a requirement for licensure; allow licensure to be obtained through an associate’s degree if the program meets the requirements of a training program approved by the board; amend KRS 309.361 to require licensees to complete 12 hours of continuing education instead of 24 as a condition of licensure renewal; require 3 of the 12 hours of continuing education to be completed in ethics; amend KRS 309.362 to increase the cap on fines from \$500 to \$1,000 per violation for repeat offenders; amend KRS 309.363 to require the board to accept the Federation of State Massage Therapy Boards’ guidelines in approving continuing education; amend KRS 309.3631 to require applications for the initial certificate of good standing and annual renewals to be submitted with a fee prescribed by the board.
(Prefiled by the sponsor(s).)

BR399 - Representative Myron Dossett, Representative Derek Lewis
(11/9/2020)

AN ACT relating to exemptions for disaster response businesses and employees.
Amend sections of KRS Chapter 141 to define new terms and provide exemptions for disaster response employees and disaster response entities from income tax beginning on or after January 1, 2021, and before January 1, 2025; amend KRS 68.180, 68.197, 91.200, and 92.300 to exclude the income of a disaster response employee and

a disaster response business from local tax; amend KRS 227.480 to exclude a disaster response business from certain permit requirements; amend KRS 227A.030 to exclude disaster response employees and disaster response businesses licensed in another state from certain licensing requirements; create a new section of KRS 67.750 to 67.790 to prevent the new provisions from being construed as establishing a nexus or minimum contact for taxing purposes, except as related to disaster response business and employees for work performed during disaster response periods.

(Prefiled by the sponsor(s).)

BR411 - Representative Buddy Wheatley
(12/9/2020)

AN ACT relating to post-retirement beneficiary changes. Amend KRS 61.542 to allow a retiree to elect to change his or her beneficiary at any time, if the retiree has selected upon retirement a basic monthly annuity payment as defined in the subsection, a period certain payment option under KRS 61.635(5) to (7), or the Social Security adjustment option without survivorship rights under KRS 61.635(8)(a); require a retiree to file a beneficiary change form prescribed by the Kentucky Retirement Systems with the retirement office; provide that a retiree may change his or her actual monthly payment option only upon marriage or remarriage and only if he or she files a beneficiary change form within 120 days of marriage or remarriage designating the new spouse as beneficiary and selecting a survivorship payment option under KRS 61.635(2) to (4) and (8)(b), with the resulting payments being actuarially equivalent to the retirement allowance provided at the date of the original retirement; amend KRS 61.590, 61.615, and 61.630 to conform; provide that members who retired prior to the effective date of the Act, who were married or remarried prior to the effective date of the Act and remain married or remarried to the same spouse, shall have 120 days from the effective date to select a survivorship option for their spouse under the Act.

(Prefiled by the sponsor(s).)

BR415 - Representative Jeffery Donohue
(9/30/2020)

AN ACT relating to railroads. Create a new section of KRS Chapter 277 to require two-person crews on trains or light engines used in connection with the movement of freight; establish civil penalties for failure to have a two-person crew.

(Prefiled by the sponsor(s).)

BR418 - Senator Richard Girdler
(10/12/2020)

AN ACT relating to immunization and declaring an emergency. Amend KRS 214.036 to prohibit required immunization of any person by any state agency or instrumentality; create a new section of KRS Chapter 338 to prohibit required immunization of any employee by an employer as defined in KRS 338.015; EMERGENCY.

(Prefiled by the sponsor(s).)

BR424 - Representative Jim DuPlessis
(12/10/2020)

AN ACT relating to the Kentucky Employees Retirement System's employers, declaring an emergency, and making an appropriation therefor. Amend KRS 61.565 to change the Kentucky Employees Retirement System's (KERS) nonhazardous actuarially accrued liability contribution (unfunded liability payment) that is payable by employers on or after July 1, 2021, from a value that is paid as a percent of pay on each employee to a set dollar amount; provide that the set dollar amount shall be allocated to each individual employer based upon the employer's percent share of the liability as of the June 30, 2019, actuarial valuation and shall be paid by employers in equal installments monthly; provide criteria for when adjustments to the dollar value and percent share may occur; provide that a single amount shall be determined for state agencies in the legislative, executive, and judicial branch who participate in KERS; provide that a KERS employer may charge the cost as a percent of pay for purposes of collecting contributions but shall be responsible to provide the full set dollar amount owed; provide that if a KERS employer merges, splits, separates, or establishes a new agency, the systems shall have full authority to allocate the costs to any employer or entity that results from the split, separation, or establishment of a new agency; amend KRS 61.510 to modify the definition of "level percentage of payroll amortization method" to conform to the amendments in KRS 61.565; amend KRS 212.792 to specify the allocation of retirement costs as provided by the bill in the event an independent health district ceases to exist or has a county to withdraw from the district; provide that the Kentucky Retirement Systems shall amend the actuarial valuation in accordance with the amendments to KRS 61.565 in this Act and provide updated employer contributions to the Governor and General Assembly; APPROPRIATION; EMERGENCY.

(Prefiled by the sponsor(s).)

BR425 - Representative Jerry Miller
(11/12/2020)

AN ACT relating to the taxation of tobacco products. Amend KRS 138.140 to apply the vapor products tax to an open vaping system when the actual price includes both the components and the liquid solution; apply the tax to the liquid solution when it is sold separately; EFFECTIVE July 1, 2021.

(Prefiled by the sponsor(s).)

BR428 - Representative George Brown Jr
(11/4/2020)

AN ACT relating to firearms and declaring an emergency. Create new sections of KRS Chapter 237 to specify definitions for "assault weapons," "large-capacity ammunition-feeding devices," and "ammunition sellers"; require background checks for private firearms sales; require reporting to law enforcement of firearm and ammunition thefts and losses; require the safe storage of firearms; amend KRS 395.250 to require an estate's inventory to list each firearm; amend KRS 403.735 to require judges, when issuing an order of protection, to consider whether a person against whom the order is entered should be prohibited from possessing an firearm; amend KRS 504.030 to require judges in criminal cases

where a person is found not guilty by reason of insanity to demand the surrender of the defendant's firearms; amend KRS 237.104 to conform; amend KRS 506.080 to specify that the offense of facilitation includes assistance in providing firearms; amend KRS 508.020 to include physical injury to a minor by virtue of the intentional discharge of a firearm within the offense of assault in the second degree; create a new section of KRS Chapter 527 to create the offense of criminal purchase or disposal of a weapon; amend KRS 527.040 to require that the sentence for a felon in possession of a firearm be served subsequent to any other felony sentence; amend KRS 527.070 to include postsecondary education facilities within the existing ban on firearms in schools; amend KRS 532.030 to require the judge pronouncing a defendant guilty but mentally ill to demand the surrender of the person's firearms; create a new section of KRS Chapter 237 to require the State Police to promulgate administrative regulations relating to the licensing of persons to possess handguns and assault weapons, the registration of handguns and assault weapons, and the logging of firearms and ammunition sales effective January 1, 2022; amend KRS 532.025 to conform; amend KRS 237.115 to conform; repeal KRS 65.870; EMERGENCY; some provisions EFFECTIVE January 1, 2022.

(Prefiled by the sponsor(s).)

BR431 - Representative George Brown Jr
(10/30/2020)

AN ACT relating to gun safety for children. Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury or death results, in which case it is a Class A misdemeanor; establish the short title of "Baby Dre Gun Safety Act."

(Prefiled by the sponsor(s).)

BR434 - Representative Mary Lou Marzian
(12/11/2020)

Direct the Energy and Environment Cabinet to study the economic impact and feasibility of adopting an electronic waste disposal program in Kentucky; direct the Cabinet to report study findings to the Governor, the LRC, and the relevant Interim Joint Committees.

(Prefiled by the sponsor(s).)

BR435 - Representative Adam Bowling
(12/3/2020)

AN ACT relating to the Advisory Council for Recovery Ready Communities. Create a new section of KRS Chapter 222 to establish the Advisory Council for Recovery Ready Communities; establish membership and duties of the council; allow for the promulgation of administrative regulations.

(Prefiled by the sponsor(s).)

BR436 - Representative Jerry Miller
(10/21/2020)

AN ACT relating to living organ donation. Create a new section of Subtitle 12 of KRS Chapter 304 to define "insurance coverage" and "living donor"; prohibit

certain insurance coverage determinations based upon the status of an individual as a living organ donor; amend KRS 2.240 to encourage the Cabinet for Health and Family Services to develop and circulate educational materials relating to living organ donation; provide that the Act applies to insurance policies issued, renewed, or declined on or after the effective date of the Act; provide that the Act may be cited as the “Living Organ Donor Protection Act of 2021.”

(Prefiled by the sponsor(s).)

BR441 - Senator Julie Adams
(10/30/2020)

AN ACT relating to surgical smoke evacuation.
Create a new section of KRS Chapter 216B to define terms and direct the Cabinet for Health and Family Services to promulgate administrative regulations requiring the use of a smoke evacuation system during any surgical procedure that is likely to produce surgical smoke; amend KRS 216B.990 to establish penalties.
(Prefiled by the sponsor(s).)

BR448 - Representative Nima Kulkarni
(10/28/2020)

AN ACT relating to unemployment insurance.
Amend KRS 341.370 to prohibit disqualification from benefits for workers unemployed as a result of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking; amend KRS 341.530 to charge benefits to pooled account for workers displaced from employment through domestic or dating violence and abuse, sexual assault, or stalking; amend KRS 341.125 to require the secretary to provide training to personnel who process claims related to domestic or dating violence and abuse, sexual assault, or stalking and to report to the Legislative Research Commission annually the number of claims paid involving domestic or dating violence and abuse, sexual assault, or stalking; amend KRS 341.360 to conform.
(Prefiled by the sponsor(s).)

BR460 - Senator Dennis Parrett
(11/19/2020)

AN ACT relating to reciprocity among the state-administered retirement systems.
Amend KRS 61.680 to provide that retirees of the Teachers’ Retirement System (TRS) who suspend their retirement benefits in order to return to covered employment and build upon their existing TRS account as provided by current law, may utilize omitted service (service that should have been reported for prior full-time work) in the Kentucky Retirement Systems (KRS) that was purchased during the period of reemployment for purposes of determining eligibility and the amount of benefits upon subsequent retirement from both KRS and TRS; make the provision retroactive to retirements on or after December 31, 2009.
(Prefiled by the sponsor(s).)

BR462 - Senator Gerald Neal
(12/11/2020)

AN ACT relating to racial and ethnic community criminal justice and public safety impact statements.
Create new sections of KRS Chapters 6 and 15A to

make legislative findings and require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations.
(Prefiled by the sponsor(s).)

BR467 - Representative Nancy Tate
(10/14/2020)

AN ACT relating to life insurance for members of the Kentucky National Guard.
Create a new section of KRS Chapter 38 to set forth the adjutant general’s duties regarding the state-sponsored group life insurance program for the Kentucky National Guard.
(Prefiled by the sponsor(s).)

BR475 - Representative Danny Bentley
(11/19/2020)

AN ACT relating to controlled substances.
Create a new section of KRS Chapter 218A to require a practitioner who prescribes an opioid medication to a patient to concurrently prescribe an opioid antagonist and provide education on overdose prevention and the use of the opioid antagonist under certain circumstances.
(Prefiled by the sponsor(s).)

BR480 - Representative Cherlynn Stevenson
(12/11/2020)

AN ACT relating to family care leave.
Amend KRS 337.010 to define: “family care leave,” “family member,” “health care provider”, “same employer,” and “serious health condition”; create a new section of KRS Chapter 337 to prohibit employers from preventing an employee to take family care leave; to entitle employee to family care leave for the birth of a child or to take care of a family member and establish parameters.
(Prefiled by the sponsor(s).)

BR483 - Representative Tom Burch
(11/24/2020)

AN ACT relating to Medicare supplement insurance.
Amend KRS 304.14-520 to prohibit an insurer from denying, or conditioning the effectiveness of, a Medicare supplement policy, or discriminating in price, based on the age, gender, health status, claims experience, receipt of health care, or medical condition of an applicant or a person covered under the policy; prohibit the policy from containing a waiting period or pre-existing condition limitation or exclusion; require applications to be accepted, and policies issued, at all times throughout the year.
(Prefiled by the sponsor(s).)

BR492 - Representative Walker Wood Thomas
(12/8/2020)

AN ACT relating to the Uniform Deployed Parents Custody and Visitation Act.
Establish KRS Chapter 403A and create new sections thereof to establish the Uniform Deployed Parents Custody and Visitation Act; amend KRS 403.280, 403.320, 403.340, 403.352, and 403.353 to conform.
(Prefiled by the sponsor(s).)

BR498 - Senator Reginald Thomas
(11/24/2020)

AN ACT relating to wages.
Amend KRS 337.010 to increase the applicable threshold of employees of retail stores and service industries from \$95,000 to \$500,000 average annual gross volume of sales for the employer; amend KRS 337.275 to gradually raise the state minimum wage to \$15 per hour by July 1, 2026, and to gradually raise the state minimum wage for tipped employees to \$7.25 per hour by July 1, 2026; include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.
(Prefiled by the sponsor(s).)

BR499 - Senator Reginald Thomas
(12/9/2020)

AN ACT relating to training programs in suicide assessment, treatment, and management.
Amend KRS 210.366 to require that training programs in suicide assessment, treatment, and management include cultural diversity programs for licensed, registered, or certified social workers, marriage and family therapists, professional counselors, pastoral counselors, alcohol and drug counselors, alcohol and drug peer support specialists, psychologists, and occupational therapists; and update the date which a report of the model list of training programs is due to the Interim Joint Committee on Health, Welfare, and Family Services.
(Prefiled by the sponsor(s).)

BR800 - Senator Reginald Thomas
(12/11/2020)

AN ACT relating to heir property and making an appropriation therefor.
Create new sections of KRS Chapter 381 to define heir property and create a mechanism for partition or sale among cotenants by the court; create requirements for notice, determination of value through agreement or appraisal; create protocol for buyouts, partition alternatives, partition in kind, sale by open-market, sealed bids, or auction; create the heir property research fund; amend KRS 324B.050 to authorize the Kentucky Real Estate authority to promulgate administrative regulations to issue grants from the fund; amend KRS 64.012 to increase the recording and indexing fee collected by county clerks by \$1 and to direct those extra funds to the heir property research fund; amend KRS 381.135 and 389A.030 to conform.
(Prefiled by the sponsor(s).)

BR809 - Representative John Blanton
(12/11/2020)

AN ACT relating to duty-related disability benefits and declaring an emergency.
Amend KRS 16.582 and 61.621 to increase minimum total and permanent in line of duty or duty-related disability benefits payable to a member of any of the systems administered by the Kentucky Retirement Systems from 25% to 75% of the member’s monthly average pay; amend KRS 16.505, 61.510, and 78.510 to define “monthly average pay” as it relates to total and permanent line of

duty and duty-related disability benefits; amend KRS 16.505 to amend the definition of “dependent child” as it relates to total and permanent line of duty or duty-related disability; amend KRS 61.702 to ensure full hospital and medical insurance benefits for the member, spouse, and dependents of a member who has a total and permanent in line of duty or duty-related disability; provide for prospective adjustments in benefits for those eligible members who were totally and permanently disabled in line of duty or due to a duty-related injury; EMERGENCY. (Prefiled by the sponsor(s).)

BR815 - Senator Alice Kerr
(12/3/2020)

Request the Joint Committee on the Library of Congress replace one of Kentucky’s statues in the National Statuary Hall with a statue of Alice Allison Dunnigan; create the Kentucky Statuary Hall Commission. (Prefiled by the sponsor(s).)

BR819 - Representative Attica Scott
(12/8/2020)

AN ACT relating to an exemption of feminine hygiene products from sales and use taxation. Amend KRS 139.010 to define feminine hygiene products; amend KRS 139.480 to exempt from sales and use tax the sale or purchase of feminine hygiene products; apply to sales or purchases made after July 1, 2021. (Prefiled by the sponsor(s).)

BR821 - Senator Ralph Alvarado
(12/11/2020)

AN ACT relating to the payment of insurance premiums and cost sharing on behalf of an insured. Create a new section of Subtitle 17A, KRS Chapter 304 to require health benefit plans to accept, and count towards the insured’s contributions, premium and cost-sharing payments made on behalf of an insured from state or federal government programs, Indian or tribal organizations, and certain tax-exempt organizations; permit insurers to accept, and count towards the insured’s contributions, premium and cost-sharing payments made on behalf of an insured from other persons; provide exception for Health Savings Account-qualified High Deductible Health Plans; EFFECTIVE January 1, 2022. (Prefiled by the sponsor(s).)

BR824 - Senator Ralph Alvarado
(12/9/2020)

AN ACT relating to prescription drugs. Amend KRS 304.17A-164 to redefine “cost sharing” and define “generic alternative,” “health plan,” “insured,” and “person”; prohibit an insurer or pharmacy benefit manager from excluding any cost-sharing amount paid by or on behalf of an insured when calculating the insured’s contribution to any applicable cost-sharing requirement; exempt fully insured or self-insured health benefit plans provided to state employees under KRS 18A.225; EFFECTIVE January 1, 2022. (Prefiled by the sponsor(s).)

BR826 - Representative Sal Santoro
(11/23/2020)

Urge the General Assembly to adopt legislation to adequately fund the Commonwealth’s transportation system. (Prefiled by the sponsor(s).)

BR827 - Representative Deanna Frazier
(12/4/2020)

AN ACT relating to missing persons. Amend KRS 39F.180 to require that any agency searching for a lost or missing person contact appropriate agencies within four hours of receiving the report and utilize existing resources, including but not limited to electronic highway signs, the Amber Alert system, law enforcement communications systems, electronic media, the Integrated Public Alert and Warning System if authorized and under conditions permitted by the federal government, and local, regional, and statewide media providers. (Prefiled by the sponsor(s).)

BR831 - Representative Danny Bentley
(11/19/2020)

AN ACT relating to prescription insulin. Amend KRS 304-17A.148 to cap the cost-sharing requirements for prescription insulin at \$30 per 30 day supply; amend KRS 18A.225 to require the Kentucky Employee Health Plan to comply; EFFECTIVE January 1, 2022. (Prefiled by the sponsor(s).)

BR832 - Representative Randy Bridges
(12/11/2020)

AN ACT relating to swimming pool operational standards. Create a new section of KRS Chapter 212 to establish safety standards for residential swimming pools; amend KRS 212.990 to establish penalties for noncompliance; provide that the Act may be cited as the “Ava Grace Jenkins Law.” (Prefiled by the sponsor(s).)

BR835 - Representative Joseph Fischer, Representative Lynn Bechler, Representative Derek Lewis
(11/18/2020)

AN ACT proposing an amendment to the Constitution of Kentucky relating to abortion. Propose to create a new section of the Constitution of Kentucky to state that Kentucky’s Constitution does not secure or protect a right to abortion or funding of abortion. (Prefiled by the sponsor(s).)

BR836 - Representative Lisa Willner, Representative Kim Banta
(12/11/2020)

AN ACT relating to civil rights. Amend KRS 344.010 to include definitions for “sexual orientation” and “gender identity”; amend KRS 344.020, relating to the purpose of the Kentucky’s civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend

KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform. (Prefiled by the sponsor(s).)

BR838 - Representative Steve Riley
(12/11/2020)

AN ACT relating to corporal punishment in schools. Create a new section of KRS 158.440 to 158.449 to define “corporal punishment”; prohibit a person employed by a school district from using corporal physical discipline; amend KRS 158.444 to remove corporal punishment as a form of discipline in a school; amend KRS 503.110 to remove the exception that permitted the use of physical force by a teacher against a minor. (Prefiled by the sponsor(s).)

BR840 - Representative Cherlynn Stevenson
(11/17/2020)

Direct all hospitals offering emergency services, the Kentucky Board of Nursing, the Kentucky Association of Sexual Assault Programs, and the Kentucky Office of Victim Advocacy to report information relating to sexual assault nurse examinations and sexual assault medical-forensic examinations to the Interim Joint Committee on Health, Welfare, and Family Services by July 1, 2022; permit the co-chairs of the Interim Joint Committee on Health, Welfare, and Family Services to send the data to be analyzed and reported on by December 1, 2022. (Prefiled by the sponsor(s).)

BR858 - Senator Gerald Neal
(12/7/2020)

AN ACT relating to gun safety for children. Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury or death results, in which case it is a Class A misdemeanor; establish the short title of “Baby Dre Gun Safety Act.” (Prefiled by the sponsor(s).)

BR859 - Representative Patti Minter
(12/9/2020)

AN ACT relating to state benefits for veterans.
Amend KRS 12.245, 12.354, 14A.1-070, 16.040, 40.010, 40.310, 40.650, 42.0146, 148.0211, 158.105, 158.140, 161.048, 164.512, 164.515, 186.041, and 186.416 to make certain LGBTQ and qualifying veterans eligible for state veterans' benefits.
(Prefiled by the sponsor(s).)

BR860 - Representative Patti Minter
(11/19/2020)

AN ACT relating to civil rights.
Amend 344.450 to allow parties to recover punitive damages.
(Prefiled by the sponsor(s).)

BR864 - Representative Joseph Fischer, Representative Lynn Bechler
(12/3/2020)

AN ACT relating to medical procedures and declaring an emergency.
Amend KRS 15.241 to allow the Attorney General to seek injunctive relief as well as civil and criminal penalties to prevent, penalize, and remedy violations of KRS Chapter 216B relating to abortion facilities, violations of KRS 311.710 to 311.830 relating to abortions, and violations of emergency management orders relating to elective medical procedures issued under KRS Chapter 39A; specify that nothing in this section shall limit or preclude the secretary of the Cabinet for Health and Family Services from seeking similar relief; create a noncodified section to prohibit an abortion facility from deeming an abortion to be an emergent or urgent medical procedure and to prohibit a physician from deeming an abortion to be performed in an abortion facility to be an emergent or urgent medical procedure during the state of emergency declared in response to COVID-19; EMERGENCY.
(Prefiled by the sponsor(s).)

BR865 - Representative Joseph Fischer, Representative Lynn Bechler
(12/3/2020)

AN ACT relating to the reporting of abortion related information to the Vital Statistics Branch.
Amend KRS 213.101, relating to abortion reporting requirements, to require the Department of Vital Statistics report to include verification of compliance with the certification requirement of KRS 311.727; specify that the Auditor of Public Accounts shall function as a health oversight agency for the purpose of performing the audit; require the Department of Vital Statistics to reimburse the Auditor for the audit; prohibit the audit from including personally identifying information of any pregnant woman upon whom an abortion was performed or attempted; specify that any personally identifying information viewed or recorded by the Auditor in conducting the audit is not subject to the Open Records Act; extend the Auditor's authority under KRS 43.080 to any person or entity required to report under this section for the purposes of conducting the audit.
(Prefiled by the sponsor(s).)

BR879 - Representative Angie Hatton
(12/10/2020)

AN ACT relating to information technology.
Amend KRS 154.15-010 to create a definition for paid prioritization; create a new section of Subchapter 15 of KRS Chapter 154 to require that KentuckyWired contracts between the Kentucky Communications Network Authority and public or private Internet service providers contain certain provisions to ensure open and fair access to the network by customers.
(Prefiled by the sponsor(s).)

BR880 - Representative Angie Hatton
(12/10/2020)

AN ACT relating to utility rates.
Amend KRS 278.030 to include rate affordability when determining fair, just and reasonable utility rates; allow the Public Service Commission to review the affordability of a utility's rate if the utility has not requested a rate adjustment in five years; allow the commission to order a rate increase to prevent significant increases in a single period; require fair, just and reasonable rates to balance the interests of the utility, its investors, and the ratepayer.
(Prefiled by the sponsor(s).)

BR881 - Representative Angie Hatton
(12/10/2020)

AN ACT relating to tax expenditures.
Create a new section of KRS Chapter 6 to make definitions and require a 4-year period for all new tax expenditures enacted after the effective date of this Act; create a new section of KRS Chapter 6 to require the Interim Joint Committee on Appropriations and Revenue to evaluate tax expenditures and make recommendations to the General Assembly during each odd-numbered year; amend KRS 154.12-2035 to include additional tax incentives within the current reports required by the Cabinet for Economic Development; amend KRS 131.030 to require reporting by the Department of Revenue to the Cabinet for Economic Development; amend KRS 131.190 to allow the data to be reported by the Department of Revenue; create a new section of KRS Chapter 230 to require reporting by the Kentucky Horse Racing Commission; create a new section of KRS Chapter 139 to establish a refund process for the new and expanded industry exemption; amend KRS 139.480 to allow the refund process for the new and expanded industry exemption; amend KRS 141.434 to require reporting on the New Markets Development Program tax credit by the Department of Revenue to the Interim Joint Committee on Appropriations and Revenue; amend KRS 139.470 and 139.481 to conform; EFFECTIVE, in part, August 1, 2021.
(Prefiled by the sponsor(s).)

BR883 - Representative Patti Minter
(12/9/2020)

AN ACT relating to coverage for the mailing or delivery of covered prescription drugs.
Create a new section of Subtitle 17A of KRS Chapter 304 to require health benefit plans that provide benefits for prescription drugs to include coverage for the mailing or delivery of covered prescription drugs to insureds; provide that the coverage shall not be subject to higher

copayments, fees, or other cost-sharing requirements; amend KRS 205.522, KRS 205.6485, and KRS 18A.225 to require Medicaid managed care organizations, the Kentucky Children's Health Insurance Program, and the state employee health plan to comply with prescription drug delivery coverage requirements; provide that Sections 1 and 4 shall take effect on January 1, 2022; provide that Sections 2 and 3 shall be implemented by the Cabinet for Health and Family Services or the Department for Medicaid Services on or before January 1, 2022, except when a federal waiver or authorization is deemed necessary.
(Prefiled by the sponsor(s).)

BR884 - Representative Kevin Bratcher, Representative Jerry Miller
(12/11/2020)

AN ACT relating to recall petitions.
Amend KRS 132.017 to reduce the number of signatures required for a recall petition of a tax levy by a district board of education.
(Prefiled by the sponsor(s).)

BR885 - Senator Richard Girdler
(12/11/2020)

AN ACT relating to audiology and speech-language pathology.
Create a new section of KRS Chapter 334A.010 to enact and enter into the Audiology and Speech-Language Pathology Interstate Compact with all other jurisdictions that legally join in the compact; declare the purpose of the compact; establish definitions; recognize a multistate licensure privilege to practice for audiologists and speech-language pathologists; recognize a multistate licensure privilege for audiologists and speech-language pathologists to practice audiology and speech-language pathology via telehealth; establish provisions for active duty military personnel and their spouses; authorize a remote state to take adverse action against an audiologist or speech-language pathologist's privilege to practice within that member state; authorize a home state to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state; create the Audiology and Speech-Language Pathology Compact Commission; provide immunity for party states, officers, employees, or representatives of the Commission who act in accordance with the compact; require the Commission to create a database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states; establish procedures for rulemaking; authorize the Commission to attempt to resolve disputes related to the compact that arise among member states and between member and non-member states; require provisions of the compact to become effective the day it is enacted into law once a state enters the Compact; provide for severability for any provision in the compact that is contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance.
(Prefiled by the sponsor(s).)

BR892 - Representative Mark Hart
(12/3/2020)

AN ACT prohibiting vaccination requirements for postsecondary education students.
Create a new section of KRS Chapter 164 to prohibit a public or private postsecondary educational institution from requiring a student to receive any vaccination for disease unless the student is participating in an educational program that involves the delivery of health care services.
(Prefiled by the sponsor(s).)

BR894 - Representative Patti Minter
(12/10/2020)

AN ACT relating to coverage for diabetes.
Amend KRS 304.17A-148 to prohibit cost sharing for outpatient self-management training and education, supplies, equipment, and generic prescription drugs; limit cost sharing for a 30-day supply of preferred and other prescription drugs; provide that cost sharing shall not exceed the amount permitted under KRS 304.17A-164; provide that health benefit plans shall not reduce or eliminate coverage due to requirements; amend KRS 18A.225 to require the state employee health plan to comply with diabetes coverage requirements; EFFECTIVE January 1, 2022.
(Prefiled by the sponsor(s).)

BR896 - Representative Randy Bridges, Representative Kim Banta
(12/11/2020)

AN ACT relating to the Kentucky Affordable Housing Act.
Create a new section of KRS Chapter 198A to establish the nonrefundable Kentucky affordable housing credit for taxable years or periods beginning on or after January 1, 2024, for a period of five years; allow the credit to be applied to the income and insurance taxes, in an amount equal to the amount of federal low-income housing tax credit; provide that the aggregate amount of tax credit for any year shall not exceed \$12.5 million; create a new section of KRS Chapter 141 to allow the credit to be applied to income and limited liability entity taxes; amend KRS 141.0205 to order the income tax credit; create new sections of KRS Chapter 136 to allow the credit to be applied to insurance tax; order the insurance tax credits; amend KRS 131.190 to conform.
(Prefiled by the sponsor(s).)

BR897 - Representative Randy Bridges
(12/11/2020)

AN ACT relating to property assessments.
Amend KRS 132.010 to define highest and best use; amend KRS 132.191 to require property to be valued at the highest and best use; amend KRS 133.120 to change the qualifications of taxpayer representatives who receive compensation for appealing property assessments.
(Prefiled by the sponsor(s).)

BR899 - Representative Kevin Bratcher
(12/9/2020)

AN ACT relating to crime-related nuisances.
Create new section of KRS Chapter 411 to create a cause of action against a property owner for maintaining a crime-related nuisance.
(Prefiled by the sponsor(s).)

BR900 - Representative Nima Kulkarni
(12/11/2020)

AN ACT relating to legal actions concerning the exercise of a person's constitutional rights.
Create new sections of KRS Chapter 454 to provide definitions and establish procedures for dismissing legal actions filed in response to a party's exercise of free speech, right to petition, or right to association; allow for an immediate appeal as a matter of right; allow for costs to be awarded to moving party if dismissal is granted; allow for costs to be awarded to responding party if the motion was found to be frivolous or filed with the intent to delay; provide that this Act may be cited as the Uniform Public Expression Protection Act.
(Prefiled by the sponsor(s).)

BR931 - Representative Savannah Maddox
(12/11/2020)

AN ACT relating to fairness for licensees and businesses during the Coronavirus response and declaring an emergency.
Amend KRS 217.125 to prohibit denial of food processing and distribution permits based on failure to comply with executive orders; create a section of KRS Chapter 243 to prohibit denial of food processing and distribution permits based on failure to comply with executive orders; create a section of KRS Chapter 336 to prohibit the Secretary of the Labor Cabinet from enforcing executive orders based on COVID-19; establish the short title of "Ensuring Business Fairness During COVID-19 Response Act"; EMERGENCY.
(Prefiled by the sponsor(s).)

BR932 - Representative Deanna Frazier
(12/11/2020)

A CONCURRENT RESOLUTION urging Congress to support the principles of the Tenth Amendment to the Constitution of the United States.
(Prefiled by the sponsor(s).)

BR936 - Representative Cherlynn Stevenson
(12/2/2020)

AN ACT relating to the safety of canines and felines.
Create a new section of KRS Chapter 411 to provide civil immunity for damaging a vehicle if a person enters the vehicle with the reasonable, good-faith belief that a dog or cat is in immediate danger of death if not removed.
(Prefiled by the sponsor(s).)

BR951 - Representative Tina Bojanowski, Representative Kim Banta
(12/10/2020)

Designate the official mental health flag for the Commonwealth of Kentucky.
(Prefiled by the sponsor(s).)

BR953 - Representative Joni Jenkins
(12/11/2020)

Require masks to be worn in the areas of the Capitol Annex controlled by LRC and on the third and fourth floors of the Capitol during the 2021 Regular Session.
(Prefiled by the sponsor(s).)

BR960 - Senator Danny Carroll
(12/11/2020)

AN ACT relating to personal information.
Amend KRS 61.870 to define "public officer"; amend KRS 61.878 to exempt records that would reveal the address or location of a public officer under certain conditions.
(Prefiled by the sponsor(s).)

BR966 - Representative Kimberly Moser
(12/11/2020)

AN ACT relating to addiction treatment.
Amend KRS 304.17A-611 to prohibit insurers from requiring or using certain utilization reviews for certain prescription drugs used to treat alcohol or opioid use disorder; amend KRS 205.536 to prohibit the Department for Medicaid Services or a Medicaid managed care organization from requiring or using certain utilization reviews for certain prescription drugs used to treat alcohol or opioid use disorder; create a new section of Subtitle 17A of KRS Chapter 304 to require insurers to report the number and type of providers prescribing medication for addiction treatment; require the Department of Insurance to report to the General Assembly and State Board of Medical Licensure; EFFECTIVE in part January 1, 2022.
(Prefiled by the sponsor(s).)

BR968 - Representative Patti Minter
(12/10/2020)

AN ACT relating to the establishment of emergency insulin programs and declaring an emergency.
Create various new sections of KRS Chapter 211 to define terms; establish the urgent-need insulin program and the continuing access to insulin program; establish eligibility guidelines for both programs; establish the application process; establish the process by which insulin is dispensed to eligible individuals; establish the responsibilities of insulin manufacturers for facilitating the dispensing of insulin to eligible individuals; establish the responsibilities of the Kentucky Board of Pharmacy for administering the program; require manufacturers to maintain privacy of all data obtained; require manufacturers to annually report certain information to the board; require the board to report certain information to the General Assembly upon request; establish penalties; EMERGENCY.
(Prefiled by the sponsor(s).)

BR985 - Representative John Blanton
(12/11/2020)

AN ACT relating to private information of public officials and declaring an emergency.
Create a new section of KRS 61.870 to 61.884 exempting personally identifiable information of judges, prosecutors, and law enforcement officers from the Open Records Act; create a new section of KRS Chapter 525 to create a new felony of disseminating personally identifying information on the Internet about a law enforcement official.
(Prefiled by the sponsor(s).)

BR988 - Representative Cherlynn Stevenson
(12/9/2020)

AN ACT relating to health benefit coverage of chronic pain treatments.
Create a new section of Subtitle 17A of KRS Chapter 304 to establish that any health benefit plan issued or renewed in the Commonwealth that provides coverage for hospital, medical, or surgical expenses shall include coverage for chronic pain treatments provided by a licensed professional; create a new section of KRS Chapter 205 to require Medicaid and Medicaid managed care organizations to include coverage for chronic pain treatments provided by a licensed professional; amend KRS 218A.172 to require that a health care practitioner discuss and refer or prescribe alternative chronic pain treatments before initially prescribing or dispensing a controlled substance; EFFECTIVE January 1, 2022.
(Prefiled by the sponsor(s).)

BR989 - Representative Joseph Fischer
(12/10/2020)

AN ACT relating to sewer charges imposed by sanitation districts.
Amend KRS 220.510 to prohibit a sanitation district from imposing any fee, tax, surcharge, or other charge for the provision of service to a property unless the property is connected to a sanitary sewer owned or maintained by the sanitation district, there is an approved plan to connect the property to a sanitary sewer owned or maintained by the sanitation district within five years, the property discharges storm water to a storm sewer or storm water improvement owned or operated by the sanitation district, the sanitation district’s storm sewer controls storm water that flows to the property, or the person responsible for the charge has contracted with the sanitation district to provide the service; amend KRS 220.515 to conform; allow the Act to be cited as the “Ensuring Fair Sewer Charges Act.”
(Prefiled by the sponsor(s).)

BR990 - Representative Patti Minter, Representative Joni Jenkins
(12/9/2020)

AN ACT relating to civil rights.
Amend KRS 344.010 to include definitions for “sexual orientation” and “gender identity”; amend KRS 344.020, relating to the purpose of the Kentucky’s civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and

344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform.
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requirement - BR45
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Individual income, pension income exclusion - BR260
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tax, homestead exemption, owners who are 65 or older, proposed constitutional amendment - BR226
tax, veteran service organization, exemption - BR153
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and use tax, feminine hygiene products, exemption - BR819
and use tax, incontinence products, exemption - BR329
Tax Expenditure Oversight Board, establishment of - BR181
Vapor products tax, amendment - BR425
Volunteer
firefighters, income tax credit - BR261
firefighters, income tax credit for - BR159

Taxation, Income--Corporate

Education Opportunity Account Program tax credit - BR383
Exemption for disaster response businesses - BR399
Kentucky affordable housing tax credit, creation - BR896
Tax
Expenditure Oversight Board, establishment of - BR181
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Taxation, Income--Individual

Education Opportunity Account Program tax credit - BR383
Exemption for disaster response businesses and employees - BR399
Kentucky affordable housing tax credit, creation - BR896
Military pensions, income tax deduction - BR241
Pension income exclusion - BR260
Tax
Expenditure Oversight Board, establishment of - BR181
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Volunteer
firefighters, tax credit - BR261
firefighters, tax credit for - BR159

Taxation, Inheritance and Estate

Tax Expenditure Oversight Board, establishment of - BR181

Taxation, Property

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Homestead exemption, owners who are 65 or older, proposed constitutional amendment - BR226
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Feminine hygiene products, exemption - BR819
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KentuckyWired contracts, paid prioritization, prohibition of - BR879

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Criminal littering, unsafe amounts of mowed grass left on highway - BR304
Missing persons reports, search, use of existing resources - BR827
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Uniform
Deployed Parents Custody and Visitation Act, establishment - BR492
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Uniform Deployed Parents Custody and Visitation Act, establishment - BR492
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Women Veterans’ Day, designate June 12 - BR68

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Earned paid sick leave provided by employers, requirement - BR317
Employee benefits, unpaid family care leave - BR480
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Living wage, requirement to pay employees - BR312
Paid
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Paid parental leave for employees, employers with 50 or more employees - BR318
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Women Veteran’s Day, designate June 12 - BR68

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Lawmakers discuss implementation of 'Direct ship' law

by Jim Hannah

FRANKFORT – Legislators recently weighed in on the regulatory implementation of a law that was intended to clear the path for producers of alcohol to ship directly to consumers.

Rep. Adam Koenig, R-Erlanger, said there were some things about the implementation of that legislation, known as House Bill 415, that might have to be addressed in the coming session. He made the comments during the Dec. 14 meeting of the Interim Joint Committee on Licensing, Occupations and Administrative Regulations.

Koenig, who chaired the meeting and sponsored SB 415 during the 2020 session, said his concern was language in the regulations that required wineries to ship “directly from their premises.” Joshua Newton of Alcoholic Beverage Control (ABC) said that meant wineries could not direct ship if they used so-called “fulfillment houses,” a common practice among California wineries.

Sen. John Schickel, R-Union, said he was “distressed and disappointed” that some wineries wouldn’t be able to meet the requirement.

“The one thing I hear from Kentuckians – and I have for the last 12 years – is they want direct ship of wine,” Schickel said, adding these are citizens who don’t have lobbyists. “To me, this is the epitome of government not being responsive to citizens. Special interests, bureaucracy are ruling the day, and citizens are being ignored.”

Bryan Alvey of the Kentucky Distillers’ Association (KDA) said he supported the regulations while acknowledging changes may be needed.

“While we believe additional statutory and regulatory cleanup adjustments may be needed in the future, the KDA supports swift approval of these regulations so shipping can begin,” he said. “These regulations will assist Kentucky’s homegrown distilling industry, especially our growing craft direct shipping, which has become particularly important during the COVID pandemic.”

Charley Hamilton and Adam Watson, both of the Kentucky Guild of Brewers, said their group also supported the regulations.

“We appreciate the General Assembly’s continued efforts to remove artificial barriers to growth, investment and job creation for Kentucky businesses,” Watson said. “We want to express our support and explain the importance of this privilege, especially during these difficult times.”

Hamilton and Watson noted that brewers had missed out on much-needed revenue from direct shipping during the pandemic because it has taken more than six months to get the regulations in place.



Senate Majority Floor Leader Damon Thayer, R-Georgetown, also expressed disappointment on the amount of time it took to get the regulations.

“It (HB 415) certainly could have been helpful to the producers during the pandemic to have this other revenue stream going,” he said.

2021 REGULAR SESSION CALENDAR

JANUARY – PART I

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Years' Day	2
3	4	5 Part I Convenes (1)	6 (2)	7 (3)	8 (4)	9
10	11	12	13	14	15	16
17	18 Martin Luther King, Jr. Day	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY – PART II

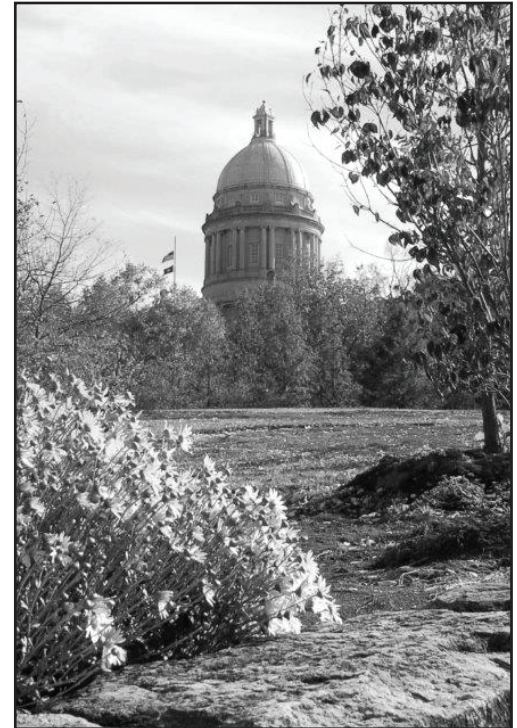
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Part II Convenes (5)	3 (6)	4 (7)	5 Last Day for Bill Requests (8)	6
7	8 (9)	9 (10)	10 (11)	11 (12)	12 Last day for new Senate bills (13)	13
14	15 Presidents' Day HOLIDAY	16 Last day for new House Bills (14)	17 (15)	18 (16)	19 (17)	20
21	22	23 (18)	24 (19)	25 (20)	26 (21)	27
28						

Denotes break between Parts I and II. Bill drafts may be requested during this period for introduction when Part II convenes.

MARCH

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 (22)	3 (23)	4 (24)	5	6
7	8 (25)	9 (26)	10 (27)	11	12	13
14	15 Concurrence (28)	16 Concurrence (29)	17 VETO	18 VETO	19 VETO	20 VETO
21	22 VETO	23 VETO	24 VETO	25 VETO	26 VETO	27 VETO
28	29	30 SINE DIE (30)	31			

() Denotes Legislative Day



Calendar set for General Assembly's 2021 session

LRC Public Information staff report

FRANKFORT – The 2021 Regular Session of the Kentucky General Assembly is scheduled to begin on Jan. 5 and will last 30 legislative days.

As usual during an odd-numbered year, the session will have two parts. The first four days of the session – Jan. 5 to Jan. 8 – will focus on organizational work, such as electing legislative leaders, adopting rules of procedure and organizing committees. The introduction and consideration of legislation can also begin during this time.

The second part of the session begins on Feb. 2, with final adjournment scheduled for March 30.

The veto recess – the period of time when lawmakers commonly return to their home districts while the governor considers the possibility of issuing vetoes – begins on March 17. Lawmakers will return to the Capitol on March 30 for the final day of the session.

The 2021 session calendar is online at: https://legislature.ky.gov/Documents/21RS_Calendar.pdf.

2020 Interim
**LEGISLATIVE
RECORD**

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The Commission and its staff, by law and by practice, perform numerous fact-finding and service functions for members of the Legislature, employing professional, clerical and other employees required when the General Assembly is in session and during the interim period between sessions. These employees, in turn, assist committees and individual legislators in preparing legislation. Other services include conducting studies and investigations, organizing and staffing committee meetings and public hearings, maintaining official legislative records and other reference materials, providing information about the Legislature to the public, compiling and publishing administrative regulations, administering a legislative intern program, conducting orientation programs for new legislators, and publishing a daily index and summary of legislative actions during sessions.

The LRC is also responsible for statute revision, publishing and distributing the Acts and Journals following sessions, and for maintaining furnishings, equipment and supplies for the Legislature. It also functions as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Kentucky.

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