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# INTERIM RECORD

A SUMMARY OF INTERIM ACTIVITIES

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2022

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## Stay connected to the General Assembly during the 2023 legislative session

### *LRC Public Information*

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FRANKFORT — The Kentucky General Assembly will kick off the 2023 legislative session on Jan. 3, and Kentuckians have many ways to follow along with the action.

Kentuckians can use online resources to:

- See the General Assembly's daily schedule
- Tune in to live coverage of legislative meetings
- Find information on their legislators
- 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 materials on committee topics and testimony
- Learn about the legislative process

All that and much more is available 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: <https://apps.legislature.ky.gov/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



The Kentucky General Assembly will gavel in for the 2023 legislative session on Jan. 3

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# 2023 legislative session, from page 1

Television (KET) and the Legislative Research Commission (LRC).

KET livestreams all chamber proceedings, while committee meeting coverage is provided by both KET and LRC. For links to the livestreams, go to <https://legislature.ky.gov/Public%20Services/PIO/Pages/Live-Streams.aspx>

You can find each lawmakers' contact info, biographical info, committee assignments and sponsored legislation by clicking on the "Legislators" tab near the top of the General Assembly Home Page: <https://legislature.ky.gov>. You can also look up who represents your district.

The online Legislative Record (<https://legislature.ky.gov/Legislation/Pages/default.aspx>) 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 each lawmaker voted by clicking "Vote History" on a bill's summary 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 take a step forward. To sign up for Bill Watch, go to <https://www.kentucky.gov/services/pages/billwatch.aspx>

Information about legislative committees is available at <https://legislature.ky.gov/Committees/Pages/default.aspx>. 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 2023 session by calling 1-866-840-6574.

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. 59105.



## Budget forecasting group approves optimistic revenue outlook

by Nancy Royden - LRC Public Information

FRANKFORT — A panel that provides forecasts on tax revenue and economic conditions for state lawmakers reported in December that general fund revenues exceeded estimates by more than \$945 million in fiscal year 2022.

The 10-member Consensus Forecasting Group, which operates independently of the Kentucky General Assembly and includes economists and professors, also adopted an optimistic forecast for fiscal years 2023 and 2024.

Greg Harkenrider, deputy executive director of the Office of State Budget Director, told the group that year-to-date revenue growth through November is stronger than projected at 6.4%.

The revisions approved on December 15th will now become official revenue estimates for the state.

"We're ahead of the game in this year in terms of growth, and we're also ahead in terms of the absolute level that we're jumping off," he said. "So, that's one of the reasons that the state budget director is requesting new estimates."

In FY 22, revenue exceeded official estimates by \$622.8 million on individual income taxes, \$216.1 million on corporate income and limited liability entity taxes, and \$112.2 million on sales and use taxes.

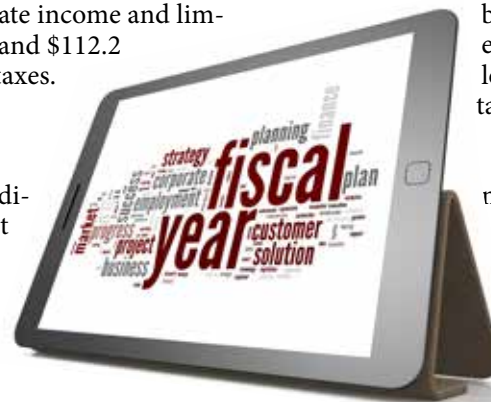
"On the individual, we grew 17.6%, which is unheard of growth in the individual income tax, I'll just say," Harkenrider said.

J. Michael Jones from the Office of State Bud-

get Director explained portions of the optimistic scenario. Kentucky's wages and salaries are expected to grow in the forecast by 7% in FY 23 and 3.1% in FY 24.

The optimistic scenario also projects \$15.2 billion in general fund revenue in the current fiscal year – a 3.4% increase. The biggest percentage gains are expected from coal severance, lottery revenue and sales and use taxes.

The same scenario forecasts nearly \$15.5 billion in general fund revenue in FY 2024, a 1.7% increase. The biggest percentage gains that year are expected from sales and use taxes and property taxes.







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(plus postage)

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Individual Record Mailed: \$2.75

(plus postage)

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(Pick up): \$630

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*limits require agency approval*)

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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

## INTERIM JOINT COMMITTEE ON AGRICULTURE

### Minutes of the 5th Meeting of the 2022 Interim

November 3, 2022

#### Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Agriculture was held on Thursday, November 3, 2022, at 9:00 AM, in Room 154 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 Dennis Parrett, Damon Thayer, Stephen West, and Max Wise; Representatives Josh Calloway, Myron Dossett, Daniel Fister, Kelly Flood, Derrick Graham, Mark Hart, Keturah Herron, Kim King, Matthew Koch, Nima Kulkarni, Michael Sarge Pollock, Phillip Pratt, Felicia Rabourn, Josie Raymond, Brandon Reed, Cherlynn Stevenson, Nancy Tate, Walker Thomas, and James Tipton.

Guests: Drew Graham, Executive Vice President, Kentucky Farm Bureau; Sharon Furches, Second Vice President, Kentucky Farm Bureau; Commissioner Ryan Quarles, Keith Rogers, Chief of Staff, and Dr. Katie Flynn, State Veterinarian, Kentucky Department of Agriculture; H.H. Barlow, Executive Director, Kentucky Dairy Development Council; and Martin Richards, Executive Director, Kimberly Ishmael, Policy Campaign Coordinator, and Jennifer Weeber, Northfork Local Food Coordinator, Community Farm Alliance.

LRC Staff: Stefan Kasacavage, Kelly Ludwig, Hillary Abbott, and Rachel Hartley, Committee Assistant.

The October 20, 2022, minutes were approved, without objection, by voice vote.

#### Potential Legislative Issues for the 2023 Regular Session

**Kentucky Farm Bureau.** Drew Graham, Executive Vice President, Kentucky Farm Bureau and Sharon Furches, Second Vice President, Kentucky Farm Bureau, discussed Farm Bureau's legislative issues. Ms. Furches said that oversight and the decommissioning of solar projects is a big issue for members of Kentucky Farm Bureau. She said members are concerned about workforce development relating to the lack of trained farm laborers. Students should be encouraged to attend trade and technology schools and scholarships should be available to students.

**Kentucky Department of Agriculture.** Ryan Quarles, Commissioner, Kentucky Department of Agriculture (KDA), Keith Rogers, Chief of Staff, Kentucky Department of Agriculture, and Dr. Katie Flynn, State Veterinarian, Kentucky Department of Agriculture, gave an update on agricultural issues. Commissioner Quarles said that there was an increase in attendance and exhibits at the 2022 Kentucky State Fair. He said that KDA created a taskforce to review the large animal veterinarian shortage across Kentucky. Commissioner Quarles stated that there is concern about potential forage shortages for the winter.

Dr. Flynn said that the Office of State Veterinarian's (OSV) mission is to protect Kentucky's animal agriculture and aid the food supply chain. She said that Kentucky is not exempt from foreign animal diseases. The consequences of foreign animal diseases include an increased animal and human morbidity, negative economic impacts, and social impacts. Kentucky ranks 7th in the United States broiler production. In February 2022, highly Pathogenic Avian Influenza was detected in Kentucky and approximately 240,000 birds had to be depopulated from one county and approximately 53,000 were depopulated in a different county. She said six additional commercial houses were put under quarantine, and surveillance testing was required every 5-7 days.

Dr. Flynn said that as a result of foreign animal disease the OSV assigned 22 staff members to areas affected in Western Kentucky. Staff worked 822 regular hours and 148 overtime hours. During the outbreak, no poultry inspections were conducted, 73 percent of chronic wasting disease inspections and 67 percent of rendering inspections were not completed, and 35 percent of stockyard sales were not monitored. She said the worst-case scenario would be trying combat two foreign animal diseases without adequate staffing to conduct inspections or carry out duties to protect the animals and/or humans. One other major issue is the lack of large animal veterinarians in Kentucky. Veterinarians are graduating and practicing in small animal clinics because hours are shorter and smaller animal practices are more profitable.

Keith Rogers, Chief of Staff, Kentucky Department of Agriculture discussed potential legislative issues for the 2023 Regular Session. He said that KDA and OSV would like to create a new division, "Division of Emergency Preparedness and Response," and rename two current divisions. Funding from the General Assembly would be needed to include nine additional positions to address program deficiencies.

Senator Hornback encouraged the General Assembly to consider KDA's and OSV's request for additional funding.

In response to Senator West, Dr. Flynn stated that biological warfare has been a topic of conversation for



the United States Department of Agriculture (USDA). The OSV is aware of the potential for biological warfare.

In response to Representative King, Dr. Flynn said that Kentucky and Tennessee do share information and staff resources when needed.

In response to Representative Kulkarni, Dr. Flynn said there are approximately 7,000 applicants for just 3,000 seats in veterinarian school. Only a small percentage of those students will practice large animal medicine.

**Kentucky Dairy Development Council.** Mr. H.H. Barlow, Executive Director, Kentucky Dairy Development Council (KDDC) said that the main goals of KDDC are to improve farmer profitability, improve quality of milk, and encourage farmers to adopt and implement the latest technology. He said that in 2011, there were 900 dairy farms in Kentucky. In 2021, that number dropped to 420 dairies. Southern Kentucky has opened its doors for more milk which has created a need to grow existing dairy farms and recruit new dairies to Kentucky. Mr. Barlow said that a large 6,000 cow dairy farm from California has decided to move their operations to Fulton County. In addition, two more large dairies from California have expressed an interest in moving to Kentucky.

In response to Representative Kulkarni, Mr. Barlow said that there would be a new employee per 1,000 cows.

In response to Senator West, Mr. Barlow stated that Kentucky dairies have not been involved in federal subsidies.

**Community Farm Alliance.** Martin Richards, Executive Director, Kimberly Ishmael, Policy Campaign Coordinator, and Jennifer Weeber, Northfork Local Food Coordinator, Perry County, Kentucky, discussed how investments in eastern Kentucky have expanded the food system. Ms. Weeber said that over the last 10 years, federal, state, local, and private investments have helped eastern Kentucky to grow and strengthen the local food system and local economy. Community Farm Alliance (CFA) has invested approximately \$3 million dollars. She said that CFA's investments have helped to strengthen local farmers markets, making it possible for people to buy local fresh foods. The recent flooding event destroyed gardens, crops, livestock, infrastructure, machinery, and tools. CFA has been actively working with the Foundation for Appalachian Kentucky, Kentucky Horticulture Council, Grow Appalachia, East Kentucky Canning Coalition, and Ag Recovery Resources.

Mr. Martin stated that in Kentucky, 575,300 people are facing hunger (including 152,100 children). Feeding Kentucky estimates that it will take \$258,458,000 more per year to meet the hunger issues.

Ms. Ishmael discussed the creation of The Healthy Farm and Food Innovation Fund. It would create a structured state fund capable of receiving state, federal, and private philanthropy funds to help Kentucky address food and nutritional security. The fund would specifically help to match grant programs.

Meeting adjourned.

## **INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE**

### **Budget Review Subcommittee on Education**

#### **Minutes of the 5th Meeting of the 2022 Interim**

November 2, 2022

#### **Call to Order and Roll Call**

The 5th meeting of the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations & Revenue was held on Wednesday, November 2, 2022, at 10:30 AM, in Room 154 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; Representatives James Tipton, Co-Chair, and Steve Riley, Co-Chair; Representatives Kim Banta, Tina Bojanowski, Ken Fleming, Derrick Graham, and Bobby McCool.

Guests: Dr. Ronald A. Johnson, Interim President, Kentucky State University; Dr. Daarel Burnette, Interim Chief of Staff, Kentucky State University; Dr. Gerald Shields, Interim Chief Financial Officer, Kentucky State University; Bridgett Golman, Interim VP of Student Engagement and Campus Life, Kentucky State University; Dr. George G. Hruby, Executive Director Collaborative Center for Literacy Development; Dr. Lindy Harmon, Training Center Director, Reading Recovery University, Collaborative Center for Literacy Development; Dr. Margaret Rintamaa, Professor and Associate Dean for Undergraduate Student Success College of Education, University of Kentucky; Chay Ritter, Division Director, Division of District Support, Kentucky Department of Education; Dr. Brian Creasman, Superintendent, Fleming County Schools; Dr. Harry Burchett, Superintendent Harrison County Schools.

LRC Staff: Seth Dawson, Savannah Wiley, Liz Columbia, Justin Smith, and Amie Elam

#### **Kentucky State University (KSU)**

Dr. Johnson and representatives from KSU provided the committee with a financial status update.

In response to a question from Representative Tipton, Dr. Johnson said that some employees left because they knew they would be terminated, and others left due to burnout.

In response to a question from Chair West, Dr. Johnson agreed to give the legislature an update before April 1, 2023, even if the audit is not complete. Dr. Johnson said that KSU is a land grant institution, therefore many employees are in extension services or research positions. Dr. Shields said that of the 425 KSU employees, roughly 125 of those are extension personnel.

#### **Kentucky Department of Education**

Chay Ritter was joined by two school superintendents to discuss the impact of inflation on

school construction projects.

In response to a question from Chair West, Dr. Burchette said that Harrison County school projects started with an estimate of \$45 million and it has increased to \$73 million.

#### **Collaborative Center for Literacy Development (CCLD)**

Representatives from CCLD spoke to the committee regarding literacy and reading recovery outcomes.

In response to a question from Representative Bojanowski, Dr. Harmon said the "Roaming Around the Known" concept spends the first ten lessons solidifying what is already known to the student. Dr. Harmon discussed what changes she has seen in reading recovery.

In response to a question from Co-Chair Tipton, Dr. Hruby agreed to provide an updated two-page research report and a technical report to the committee.

There being no further business before the subcommittee, the meeting adjourned at 12:17 P.M.

## **BENEFITS CLIFF TASK FORCE**

### **Minutes of the 5th Meeting of the 2022 Interim**

November 16, 2022

#### **Call to Order and Roll Call**

The 5th meeting of the Benefits Cliff Task Force was held on Wednesday, November 16, 2022, at 11:00 AM, in Room 131 of the Capitol Annex. Representative Jonathan Dixon, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Representative Jonathan Dixon, Co-Chair; Senators Gerald A. Neal, and Michael J. Nemes; Representatives Josh Bray and Russell Webber.

#### Guests:

LRC Staff: Janine Coy, Chris Joffrion, Kirk Smith, and Sasche Allen.

#### **Approval of Minutes**

A motion to approve the minutes of the October 20, 2022, meeting was made by Representative Webber, seconded by Senator Nemes, and approved by voice vote.

#### **Approval of the Benefits Cliff Task Force Findings and Recommendations Memorandum**

##### **Findings**

The terms "benefits cliff" or "the cliff effect" refer to the sudden decrease in public benefits as the result of an increase in earnings.

For public assistance beneficiaries the benefits cliff can serve as a barrier to gainful employment and self-sufficiency which in turn can increase the amount of time an individual or family remains on public assistance.

Kentucky is not alone in its attempts to better understand and address the benefits cliff.

The benefits cliff and continued access to affordable, quality child care are key concerns



of Kentucky's business community as it creates significant staffing challenges.

The Cabinet for Health and Family Services is collaborating with Kentucky Center for Statistics to make improvements to an existing benefits cliff calculator and to fully integrate the calculator into the online kynect portal by July 2024. The Cabinet for Health and Family Services is also working with the Education and Labor Cabinet to make an automatic job-match search engine available to public assistance recipients through the kynect portal.

Tiering public assistance benefits, or phasing out benefits as the recipient's income increases, as opposed to terminating benefits following a marginal increase in income offers an opportunity to smooth the benefits cliff. However, the ability of 5 states to tier benefits and address the benefits cliff is significantly limited by federal regulations which govern most public assistance programs.

The Utah Department of Workforce Services serves as a model of efficiency and effectiveness in the delivery of employment and job training services. Unfortunately, federal law now prevents other states from integrating employment and job training services into a "one-stop-shop" agency like Utah's Department of Workforce Services.

The Cabinet for Health and Family Services has utilized pandemic-era federal funds to make improvements to the Child Care Assistance Program which could help to alleviate the child care benefits cliff faced by working families, but the federal funds used to finance these changes will run out in 2024.

A motion to approve the findings of the Benefits Cliff Task Force was made by Representative Webber, seconded by Senator Nemes, and approved by voice vote.

### Recommendations

Adopt a joint resolution directing the Cabinet for Health and Family Services to conduct a thorough review of all public assistance programs administered by the cabinet to identify all flexibilities permitted under federal law, including but not limited to the ability to tier benefits, which may afford the state the opportunity to address the benefits cliff in Kentucky without the need for federal action and requiring the cabinet to submit a report containing its findings and recommendations to the Interim Joint Committee on Health, Welfare, and Family Services no later than November 1, 2023.

A motion to approve the recommendation was made by Representative Webber, seconded by Senator Nemes, and approved by voice vote.

Adopt a joint resolution directing the Cabinet for Health and Family Services, in cooperation with the Education and Labor Cabinet, to conduct a thorough audit of all employment and job training programs to identify service duplications, inefficiencies in service delivery, and opportunities for improvement including the possible integration of all employment and job training programs under a single administrative unit in state government and requiring the cabinets to submit a report containing their findings, recommendations, and an action plan to the Interim Joint Committee on Health, Welfare, and Family Services and the Interim Joint Committee on Economic Development

and Workforce Investment no later than November 1, 2023.

A motion to approve the recommendation was made by Representative Bray, seconded by Representative Webber, and approved by voice vote.

Adopt a joint resolution directing the Cabinet for Health and Family Services to study the cost of maintaining pandemic-era changes to the Child Care Assistance Program once federal pandemic relief funds are exhausted and requiring the cabinet to report its findings to the Interim Joint Committee on Health, Welfare, and Family Services and the Budget Review Subcommittee on Human Resources no later than November 1, 2023.

A motion to approve the recommendation was made by Representative Bray, seconded by Representative Webber, and approved by voice vote.

Adopt a concurrent resolution urging the United States Congress to study the benefits cliff phenomenon and how current federal regulations limit the ability of states to effectively address the challenges created by the benefits cliff and to amend federal statutes and regulations to grant states the flexibilities necessary to mitigate or 7 eliminate the benefits cliff including but not limited to amending fundings and organizational provisions in the Workforce Investment and Opportunity Act that may prevent states from administratively integrating all federally funded employment and job training programs under a single administrative unit of state government.

A motion to approve the recommendation was made by Senator Nemes, seconded by Representative Bray, and approved by voice vote.

Enact legislation requiring the Cabinet for Health and Family Services to integrate a user-friendly benefits cliff calculator tool that allows users to weigh the pros and cons of upward mobility and benefit eligibility into the cabinet's outreach and support efforts.

A motion to approve the recommendation was made by Representative Webber, seconded by Representative Bray, and approved by voice vote.

Enact legislation directing the Cabinet for Health and Family Services and the Department of Revenue to establish outreach and tax filing support programs to increase the number of eligible individuals, particularly low-income earners, who file a federal tax return and claim the federal Earned Income Tax Credit.

A motion to approve the recommendation was made by Representative Webber, seconded by Representative Bray, and approved by voice vote.

Identify opportunities and enact legislation that leverages public-private partnerships by creating new partnership programs to help reduce the impacts of benefits cliffs in certain circumstances.

A motion to approve the recommendation was made by Representative Bray, seconded by Senator Nemes, and approved by voice vote.

A motion to give final approval to the full findings and recommendations memorandum of the Benefits Cliff Task Force was made by Representative Webber and seconded by Senator Nemes. A roll call vote was taken with five members voting yes and no members voting no.

There being no further business before the

committee, the meeting adjourned at 11:28 a.m.

## CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE

### Minutes of the 4th Meeting of the 2022 Interim

November 9, 2022

#### Call to Order and Roll Call

The 4th meeting of the Child Welfare Oversight and Advisory Committee was held on Wednesday, November 9, 2022, at 1:00 PM, in Room 131 of the Capitol Annex. Representative David Meade, Chair, called the meeting to order, and the secretary called the roll.

#### Present were:

Members: Senator Julie Raque Adams, Co-Chair; Representative David Meade, Co-Chair; Senators Karen Berg, Denise Harper Angel, and Whitney Westerfield; Representatives Kim Banta, Lynn Bechler, Josie Raymond, and Nancy Tate.

Guests: Jennifer Hancock, President, Chief Executive Officer, Volunteers of America Mid-States; Jeb Duke, Medicaid Plan President, Humana Healthy Horizons, Humana; Abbie Gilbert, Associate Director, Population Health, Humana; Tom Watson, Mayor, Owensboro, Kentucky; Judge Clint Harris, Family Court, 41st Judicial Circuit; Rachel Bingham, Director, Office of Statewide Programs, Administrative Office of the Courts; and Dalton Miller, Mayor, Stanford, Kentucky.

LRC Staff: Ben Payne, Logan Bush, Eric Rodenberg, and Becky Lancaster.

#### Approval of Minutes

A motion to approve the minutes of the October 12, 2022, meeting was made by Senator Adams, seconded by Representative Banta, and approved by voice vote.

#### Family Focused Substance Use Disorder Interventions - Freedom House

Jennifer Hancock, President, Chief Executive Officer, Volunteers of America Mid-States (VOA), discussed the Freedom House recovery program model, statistics regarding positive outcomes for women and children in the program, planned expansion locations and partners, and the national recognition for the program's approach to recovery.

Jeb Duke, Medicaid Plan President, Humana Healthy Horizons, Humana, discussed Humana's contribution to community partners and the benefits of a value-based payment model.

Abbie Gilbert, Associate Director, Population Health, Humana, discussed the white paper report with policy recommendations and innovative payment models, comprehensive screening for all the social needs of members, incentivizing the VOA program with nontraditional support items for quality outcomes, and results from qualified ventures with VOA.

Ms. Hancock discussed how the existing payment model does not incentivize quality, does not capture all treatment costs, and is not sustainable. She discussed

various VOA partners for research and evaluations, a five-year longitudinal study, and its leaders.

In response to questions and comments from Senator Berg, Ms. Hancock stated that VOA is meeting only a little of the need for treatment care in Kentucky. The Freedom House has capacity for approximately 60 families at a time and will be adding 75 to 100 additional beds through the expansion. She stated that the program design includes a nurse practitioner that is responsible for parenting and education support for breast feeding and lactation.

Ms. Hancock discussed the importance of VOA being community driven and working with a diverse, strong advisory council. Tom Watson, Mayor, Owensboro, Kentucky, discussed his experience hearing a success story from Freedom House and excitement to set up a new, similar treatment center in Owensboro.

### **Family Recovery Courts and Restorative Justice Services for Youth**

Jennifer Hancock, President, Chief Executive Officer, Volunteers of America Mid-States, discussed partnerships with the Administrative Office of Courts, Family Recovery Courts, and Seven Counties Services, that have additional supports for members to achieve sobriety and family reunification. She discussed VOA's plan for expansions of Family Recovery Courts into other counties.

Judge Clint Harris, Family Court, 41st Judicial Circuit, discussed his experiences working with graduates of the Clay County Family Recovery Court, the positive outcomes for participants, and the impact of recovery on the participants' lives. Ms. Hancock discussed the impact of using more positive and solution-focused language in the courtroom and the accountability for the participants within the VOA program.

Rachel Bingham, Director, Office of Statewide Programs, Administrative Office of the Courts (AOC), discussed how the VOA model accomplished what previous drug court programs by the AOC tried to setup for participants in recovery, and the partnerships working with AOC to align and better accomplish goals for the family treatment model. She discussed the charge, structure, and membership of the Kentucky Judicial Commission on Mental Health established by the Supreme Court. Ms. Hancock discussed the VOA Restorative Justice pilot program, its partnership with AOC, and the improved outcomes for the victim, offender, and community. She discussed the courts, programs, and schools where the Restorative Justice pilot program will be implemented, new partnerships, and expansions to new counties.

In response to questions and comments from Senator Berg, Ms. Hancock stated that being tough on crime means reducing crime and the Restorative Justice pilot program is a smart approach to reduce recidivism with years of data showing a reduction in offenses. She stated that the therapeutic rehabilitative approach facing victims brings humanity into the justice process.

### **Discussion of Innovative Pilot Project between Volunteers of America and the Department for Community Based Services**

Jennifer Hancock, President, Chief Executive Officer, Volunteers of America Mid-States, discussed VOA's partnership with the Department for Community Based Services (DCBS). The partnership involves treating women with a substance use disorder that are pregnant and parenting, helping them to access treatment, and navigating through the process of receiving treatment with a dedicated liaison to help keep families together when possible. She discussed the Family Connections Program pilot project that will be integrated into three DCBS offices and staffed with a VOA clinician consulting with DCBS to coordinate case management with treatment.

Dalton Miller, Mayor, Stanford, Kentucky, discussed his personal experience working with DCBS, shared the successful experience of a participant regaining custody of her children, and supported having VOA and DCBS work together locally and branching out to neighboring counties. Ms. Hancock discussed the metrics measured in the Family Connections Program and it being a family preservation model, the importance of partnering with DCBS, and the leadership and frontline workers' management between the organizations. She highlighted VOA's goals to meet and exceed the standards as a provider, to affect the systems of care that VOA clients interact with to creatively have better outcomes for all.

### **Adjournment**

There being no further business, the meeting was adjourned at 2:35 PM.

## **EARLY CHILDHOOD EDUCATION TASK FORCE**

### **Minutes of the 7th Meeting of the 2022 Interim**

November 21, 2022

### **Call to Order and Roll Call**

The 7th meeting of the Early Childhood Education Task Force was held on Monday, November 21, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Samara Heavrin, Co-Chair, called the meeting to order, and the secretary called the roll.

### **Present were:**

Members: Senator Danny Carroll, Co-Chair; Representative Samara Heavrin, Co-Chair; Senator Mike Wilson; Representatives Adam Bowling and Josie Raymond.

Guests: Becky Stacy, Executive Director, Appalachian Early Childhood Network.

LRC Staff: Ben Payne, DeeAnn Wenk, Logan Bush, Becky Lancaster, and Eric Rodenberg.

### **Approval of Minutes**

A motion to approve the minutes of the November 3, 2022, meeting was made by Senator Wilson, seconded by Senator Carroll, and approved by voice vote.

### **Discussion and Approval of Task Force Findings and Recommendations**

Co-Chair Heavrin and Co-Chair Carroll read the findings of the task force. Representative Raymond made a motion to add a ninth finding stating, "High quality child care provided by trained providers is beneficial for the academic and social development of children." The motion was seconded by Senator Carroll and approved by voice vote. A motion to accept the findings as amended was made by Senator Carroll, seconded by Representative Bowling, and accepted by voice vote.

Co-Chair Heavrin and Co-Chair Carroll read the recommendations of the task force. Representative Bowling made a motion to delete, "eligibility current CCAP" that was duplicated in recommendation number two. The motion was seconded by Representative Raymond, and accepted by voice vote. Senator Carroll made a motion to accept the recommendations as amended, seconded by Representative Bowling, and approved by voice vote.

### **Adjournment**

With no further business to come before the task force, the meeting adjourned at 1:33 p.m.

## **INTERIM JOINT COMMITTEE ON ECONOMIC DEVELOPMENT AND WORKFORCE INVESTMENT**

### **Minutes of the 6th Meeting of the 2022 Interim**

November 17, 2022

### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Economic Development and Workforce Investment was held on Thursday, November 17, 2022, at 9:00 AM, in Room 149 of the Capitol Annex. Representative Russell Webber, Chair, called the meeting to order, and the secretary called the roll.

### **Present were:**

Members: Representative Russell Webber, Co-Chair; Senators Alice Forgy Kerr, Christian McDaniel, Robby Mills, Adrienne Southworth, Phillip Wheeler, and David Yates; Representatives Shane Baker, Lynn Bechler, Josh Bray, George Brown Jr., Josh Calloway, McKenzie Cantrell, Daniel Elliott, Chris Freeland, Mark Hart, Thomas Huff, Kim King, Nima Kulkarni, William Lawrence, Scott Sharp, Ashley Tackett Laferty, and Timmy Truett.

Guests: Jeff Noel, Secretary, Cabinet for Economic Development; Katie Smith, Deputy Secretary, Cabinet for Economic Development; Kevin Smith, Chair, Kentucky Chamber of Commerce Board of Directors; Kate Shanks, Senior Vice President of Public Affairs, Kentucky Chamber of Commerce; Charles Aull, Executive Director, Kentucky Chamber Center for Policy and Research; Michael F. Fitzpatrick, Jr., Partner, Hunton Andrews Kurth LLP; Jason Bentley, MML&K; Representative Phillip Pratt; Lee Carter, Executive Director, Kentucky Horse Park; and Alston Kerr, Commission Chair, Kentucky Horse Park.

LRC Staff: Janine Coy, Audrey Ernstberger,

Crystal Thompson, and Sasche Allen.

**Approval of Minutes**

A motion to approve the minutes of the October 27, 2022, meeting was made by Representative Bray, seconded by Representative Huff, and approved by voice vote.

**Cabinet for Economic Development Update**

Secretary Jeff Noel discussed the Cabinet’s organization, mission, and services, as well as, the Cabinet’s current programs including: economic investment, tax incentives, and international investment. He explained the Cabinet’s priorities and how they are derived. Additionally, the state’s electric vehicle battery manufacturing industry was highlighted along with the Cabinet’s strategic and operation plans for 2023.

Answering a question from Representative King, Secretary Noel explained that the Cabinet produces monthly agriculture reports, consults with experts, has a designated agriculture liaison, and works with the Department of Agriculture to keep the agriculture industry a priority.

Responding to questions from Senator McDaniel, Secretary Noel discussed the changing geopolitical system, the Cabinet’s relationship with the Department for Homeland Security, business recruitment processes, and collaboration with all involved economic development partners.

Addressing concerns expressed by Senator Howell, Secretary Noel expressed his intentions to explore options to further strengthen relief programs for businesses in the western part of the state.

Replying to Representative Truett, Secretary Noel said he would follow up with the committee about the statistics relating to jobs lost across the state in the past year and discussed business recruitment for the eastern part of the Commonwealth.

Representative Bechler made comments about the role of internal combustion engines in the transportation industry.

**Kentucky Horse Park Reorganization Bill Sponsored by Representative Phillip Pratt**

Lee Carter, Executive Director of the Kentucky Horse Park and Alston Kerr, Commission Chair at the Kentucky Horse Park, discussed the impact of the park’s events, activities, and correlating programs offered by subsidiary organizations. Mr. Carter emphasized challenges facing the park including deferred maintenance, competing with other facilities, and staffing shortages. Ms. Kerr elaborated on the history of the facility. Mr. Lee presented details regarding the proposed legislation aimed at the park’s reorganization. Changes would include expanding the Kentucky Horse Park Commission by adding members, permitting the park to use either KRS 45A for procurement or establishing its own procedures, and reporting annually to the committee.

**Kentucky’s Workforce Challenges and Opportunities**

Kevin Smith, Chair of the Kentucky Chamber of Commerce Board of Directors; Kate Shanks, Senior

Vice President of Public Affairs at the Kentucky Chamber of Commerce; and Charles Aull, Executive Director of the Kentucky Chamber Center for Policy and Research, discussed the record-breaking economic development in the state, which is complicated by the state’s stagnating workforce participation. The discussion included barriers to workforce participation such as substance use disorders, limited access to childcare, and increasing retirement rates. Policy priorities include removing barriers to work, investing in workforce training, and attracting more high-skilled workers through tax reform.

In response to a question from Representative Baker, Mr. Aull explained that although various factors affect workforce growth, some states with a higher workforce growth rate than the Commonwealth are zero income tax states and have made significant changes relating to child care and criminal justice.

Representative Lawrence made remarks regarding workforce participation in his district. The panel discussed factors that attract people to relocating to the state such as child care, cost of living, and income tax.

Replying to comments made by Senator Mills, Mr. Aull elaborated on labor market churn and the effect that federal stimulus funds are having on the workforce.

Addressing questions from Representative Cantrell, Mr. Smith agreed that workforce challenges include barriers to international and domestic migration.

Responding to a question from Representative Tackett Laferty, Mr. Aull confirmed that healthcare, logistics, and hospitality are examples of sectors that are currently combating low workforce participation and labor market churn. Addressing a follow up, he discussed considering a more regional economic development approach to workforce challenges.

Representative Brown commented on criminal records, the advantages of the state’s geographic location, and the multifaceted approach the Chamber is taking to reduce challenges in the workforce.

**Energy Reliability and Affordability: Kentucky’s Regulatory Compact and Securitization as a Financing Tool**

Michael F. Fitzpatrick Jr., a partner with Hunton Andrews Kurth LLP, and Jason Bentley of MML&K, explained state securitization bond structures and positive impact this policy tool can have on utilities operating in the state and subsequently energy reliability and affordability. In addition, the history and the current status of the securitization bond market were discussed.

There being no further business before the committee, the meeting adjourned at 11:01 a.m.

**INTERIM JOINT COMMITTEE ON EDUCATION**

**Minutes of the 6th Meeting of the 2022 Interim**

November 1, 2022

**Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Education was held on Tuesday, November 1, 2022, at 11:00 AM, in Room 154 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 Danny Carroll, David P. Givens, Jimmy Higdon, Stephen Meredith, Gerald A. Neal, Adrienne Southworth, Reginald Thomas, Stephen West, and Mike Wilson; Representatives Shane Baker, Kim Banta, Jennifer Decker, Jeffery Donohue, Mark Hart, Scott Lewis, C. Ed Massey, Charles Miller, Melinda Gibbons Prunty, Felicia Rabourn, Steve Riley, Killian Timoney, James Tipton, Russell Webber, and Lisa Willner.

Guests: Kim Baker, Kentucky Performing Arts, President & CEO; Nick Covault, Governor’s School for the Arts, Executive Director; Aris Cedeno, Ph.D., Governor’s Scholars Program, Executive Director and Academic Dean; Dr. Beth Hargis, KDE, Associate Commissioner, Office of Career and Technical Education; Regan Satterwhite, KDE, Executive Advisor, Office of Career and Technical Education; Micki Ray, KDE, Chief Academic Officer; Chrystal Rowland, KDE, Director, Division of Program Standards; Beth Ratway, American Institute for Research; and Richard Innes, volunteer, Bluegrass Institute.

LRC Staff: Yvette Perry, Lauren Busch, and Maurya Allen.

Chair Wise recognized Co-Chair Huff as she prepares to retire from the legislature. Co-Chair Huff said it has been an honor and privilege to serve the 82nd legislative district and to advance priority legislation for education during her time as chair of the House Education Committee.

**Approval of Minutes - October 18, 2022**

Representative Timoney made a motion, seconded by Representative Lewis to approve the minutes of the October 18, 2022, meeting. The motion passed by voice vote.

**Governor’s School for the Arts**

Kim Baker, Kentucky Performing Arts, President & CEO and Nick Covault, Governor’s School for the Arts, Executive Director spoke in favor of the Governor’s School for the Arts (GSA). Ms. Baker spoke briefly to her own history as a first-generation graduate of the GSA program and the impact that it had on her as a young person, setting her on a path to be president and CEO of the Kentucky Center for the Arts.

Mr. Covault said GSA is the Kentucky Performing Arts (KPA) signature education program.



The three-week-long, residential, immersive, tuition-free summer program empowers the next generation of Kentucky's creative leaders. In 2022, more than 500 Kentucky seniors and 75 support staff attended GSA during their first year of having two campuses. GSA is more than a summer program, however, partnering with nearly 30 colleges and universities to offer scholarships targeted to GSA alumni. Grant funding, paid work, and ongoing mentorships are available to alumni year-round. Mr. Covault also gave a brief overview of their funding model, which includes funding from the state, fundraising efforts from the KPA, and public-private partnerships. Two thirds of GSA alumni attend college in Kentucky, with nearly as many receiving a GSA affiliated scholarship. Success stories of GSA alumni sharing their art and giving back to their communities were highlighted. Mr. Covault closed his presentation by asking the members to consider continued expanded funding for the GSA to maintain the expansion they began this year.

Responding to a question from Chair Wise, Mr. Covault said they have looked at different models for expansion but they are still in the planning stages. The conversation has focused largely on creating more slots, but they will also consider the possibility of expanding the length of the program for the existing number of students.

In response to questions from Representative Timoney, Mr. Covault said they can track alumni through college admission, but after adulthood students are harder to track and acquire data regarding employment in the state. The anecdotal evidence, however, suggests that a majority stay in the state or serve as outspoken advocates for the state.

In response to a question from Senator Neal, Mr. Covault said the classes and applicant pool skews female, and approximately 70-80 percent of students are white. The next largest percentage, approximately 12 percent are mixed race, and just under 10 percent identify as black. He said they would contact the members with more specific demographic data.

Senator Higdon spoke highly of the program and the impact that it had on his son. He thanked them for their work and looks forward to their continued success.

In response to a question from Representative Banta, Mr. Covault said he would welcome continued conversation with the individuals that reached out to her so they can address their concerns about the technical strengths of the dance instruction.

In response to a question from Senator Southworth, Mr. Covault said they had been having more conversations about program expansion to include more students, but they would consider the possibility of shorter programs to address that goal.

### **Governor's Scholars Program**

Aris Cedeno, Ph.D., Governor's Scholars Program, Executive Director and Academic Dean spoke in favor of the Governor's Scholars Program.

Dr. Cedeno gave a brief overview of the history of the program and its mission to enhance Kentucky's next generation of civic and economic leaders free of charge. In 2005, Senate Bill 134 modified the structure of the program and made some changes to its funding

structure. The central office is housed in Frankfort, with the host college campuses selected through a bid process. Summer personnel are contracted with for one summer at a time. The selection process begins in the high school, with regional and state level application review. The goal is to include scholars from all 120 Kentucky counties, with 119 represented the last two years. Each campus has the same components of classes, residential activities, college fairs, school counselor trainings, and include rules and regulations to ensure scholar safety and well-being. Dr. Cedeno briefly overviewed the demographic representation of scholars, with a nearly 60 percent acceptance rate. The ratio of female attendees is higher, and is constrained to some degree by the dormitory contracts made with the college campuses.

Overwhelmingly, scholars report satisfaction with the program and its ability to prepare them for college and provide a meaningful educational experience. He also gave a brief overview of the budget allocation of state appropriated funds and how ESSR funds will allow the program to expand in the next few years. Of the 2020 scholars, 72 percent were enrolled in a Kentucky college or university in the fall of 2021. The Kentucky Governor's Scholars Program is the largest such program in the nation, and provides a huge benefit for students over their five weeks.

In response to a question from Senator Neal, Dr. Cedeno said he is currently undertaking an in-depth investigation into alumni and trying to get the data for scholars and their post-collegiate placements. He said he has recently investigated the program's racial diversity, and they are striving to continue the positive trends in terms of recruiting applicants of color.

Representative Miller spoke highly of the Governor's Scholars Program and the Governor's School for the Arts as two of the best programs for young people in the Commonwealth.

Responding to questions from Senator Higdon, Dr. Cedeno said the scholarships offered to scholars are funded by the colleges themselves and are valued on average at \$75,000-\$79,000 per year of college. Many colleges have a two-tier program that considers student ACT/SAT scores as well as their GSP alumni status. He offered to send more information regarding the college scholarship programs offered to alumni. Dr. Cedeno also said he would be working with KY Stats to get the alumni data requested.

In response to questions from Senator West, Dr. Cedeno said the 24-member GSP Board are nominated by a nominating committee based on several criteria to provide broad representation including region, sex, and political affiliation. The slate is voted upon by the entire board in May and serve terms of three years.

In response to a question from Senator Southworth, Dr. Cedeno said the application is available to students in public, private, and independent schools who are nominated by their schools. Homeschool students can also apply by submitting their application directly to the GSP office. The only requirement for participation is that the students be residents of Kentucky.

### **Career & Technical Education Funding Equalization**

Dr. Beth Hargis, KDE, Associate Commissioner, Office of Career and Technical Education and Regan

Satterwhite, KDE, Executive Advisor, Office of Career and Technical Education were present to discuss the current efforts to provide funding equalization for career and technical education.

Dr. Hargis said one of the main priorities of their office is to ensure success for every student seeking career and technical education (CTE). The office undertook their investigation into funding based on the Kentucky report from SREB and the 1st Things First report by the KDE. The first recommendation they needed to address was expanding base funding to state goals and business needs. They recently created a task force to explore ways of funding career and technical centers (CTCs) and area technology centers (ATCs) equally. Adequate funding for CTE was provided for in the 2022-23 biennial state budget. Dr. Hargis overviewed the current funding for CTE and the renaming of local area vocational education centers (LAVECs) to local CTE programs thanks to the expanded funding.

Ms. Satterwhite said the second priority is to sustain adequate funding and reform funding distribution to ensure that the schools that have received funding for the first time continue to receive that support. She presented testimonials from CTE educators illustrating what additional education opportunities have been created for students thanks to the expanded funding. She also announced a new dedicated work-based learning coordinator and the new work-based learning manual scheduled for release in 2022-23.

In response to a question from Chair Wise, Dr. Hargis said they have been working with the JAG program to provide a program of study that meets the curricular standards needed to be included in the CTE list of pathways.

Responding to questions from Representative Timoney, Dr. Hargis said there is an expectation for an increase in STEM careers coming to the Commonwealth and they hope to be able to create a custom pathway out of existing courses to address the needs of new manufacturing opportunities.

Representative Tipton said he was looking forward to the future and the gains in CTE and 'vocational school' being made thanks to the expanded funding in the budget. In response to questions, Dr. Hargis said dual credit scholarships allow many students to take advantage of CTE and those that participate in dual credit are more successful in postsecondary education, however, they do not currently have any information on whether the dual credit scholarship expansion has influenced students to start a CTE pathway. She also said there are now 50 local CTE sites, which is an expansion from the existing 30 LAVECs, and a growing wait list of schools. There are still requests from districts to create local CTE sites, but they also can participate in the state CTE locations.

Responding to a question from Representative Lewis, Ms. Satterwhite said work-based learning includes co-ops, internships, and work study programs which are typically participated in by seniors or juniors who have completed their coursework.

Responding to a question from Senator Higdon, Dr. Hargis said the expanded funding removed the largest barrier of geographic distribution, because they do not have to focus on only locations that are

lacking access. At this time, they can expand wherever there is a local entity that is prepared to start a CTE program.

**Kentucky Academic Standards for Social Studies**

Micki Ray, KDE, Chief Academic Officer; Chrystal Rowland, KDE, Director, Division of Program Standards; and Beth Ratway, American Institute for Research were present to discuss the process for updating the Kentucky Academic Standards for Social Studies.

Ms. Ray spoke briefly to the timeline that was used to implement the new social studies standards, which was accelerated due to the passage of Senate Bill 1 of the 2022 Regular Session. The standards review process committee will meet later this year, and there will be another public review period after the Kentucky Board of Education review in December. She shared a model standard to illustrate the clarification that is now included for teachers to better understand the standards.

Ms. Ratway spoke to the public comment portion of the process and how the review committees assessed the comments. Most of the respondents were teachers or retired educators, although other stakeholders were represented. The overwhelming majority of respondents agreed about the standards, and disagreements centered on location of the revisions in the clarification statements rather than within the standards themselves. This was addressed by recognizing the 5th grade standard as a model and ensures the alignment of the standard with the statutes and support student scaffolding of the standard. Based on that standard, they created an entirely new 8th grade standard.

Richard Innes, volunteer, Bluegrass Institute, shared his concerns with the social studies standards. He said he was grateful to see the requirements from Senate Bill 1 were now included as a numbered list as required by statute. He also shared his grievance with KDE not following the process to review the standards by not creating the appropriate public comment systems. He said there was no initial public comment period established, and a bias toward positive feedback from the online comment portal. He chose to submit a letter with his feedback and learned the letter had not been provided to the committees prior to their review.

Responding to a question from Senator Thomas, Ms. Ray said teachers were able to interact with the standard and see how the documents from Senate Bill 1 were incorporated. A majority strongly agreed with the placement of the documents. Ms. Ratway said the full data was available in the electronic binder provided to members, and educators said they did support the placement of the documents and provided good feedback that can be utilized in the 2025 review. Mr. Innes said there are concerns from across the nation that state standards for social studies are not strong, largely because they are vague and not reflective of the National Association of Scholars model. He took particular issue with the fact that Abraham Lincoln being born in Kentucky is not mentioned in the social studies standards.

Responding to a question from Representative Tipton, Ms. Ray said the advisory panel will consider

the National Association of Scholars model during the 2025 revision. This process was highly accelerated due to the statutory deadlines created by Senate Bill 1 of the 2022 Regular Session.

In response to a question from Senator Southworth, Ms. Ray said the documents were embedded in the 8th grade standard, as well as spread throughout the K-12 progression. The existing 5th grade standard was already in alignment with the requirements from the bill. The 8th grade and the high school standards are time-bound, so they are where the committees focused to ensure compliance with the law.

Responding to a question from Representative Gibbons Prunty, Ms. Ray said there is an application process to recruit applicants from the eight cooperative regions. However, the process will be reviewed going forward to ensure equity across the regions for the next review process.

Responding to the concerns of Mr. Innes, Ms. Ray said there is always an open comment period to accept public comments regarding the standards and they are forwarded to the appropriate review committees.

**Adjournment**

With no further business to come before the committee, the meeting adjourned at 1:00 p.m.

**EMERGENCY MEDICAL SERVICES TASK FORCE**

**Minutes of the 6th Meeting of the 2022 Interim**

November 15, 2022

**Call to Order and Roll Call**

The 6th meeting of the Emergency Medical Services Task Force was held on Tuesday, November 15, 2022, at 1:30 PM, in Room 169 of the Capitol Annex. Senator David P. Givens, Chair, called the meeting to order, and the secretary called the roll.

**Present were:**

**Members:** Senator David P. Givens, Co-Chair; Representative Ken Fleming, Co-Chair; Senators Donald Douglas, Brandon J. Storm, and Robin L. Webb; Representatives Mark Hart, Michael Meredith, and Lisa Willner.

**LRC Staff:** DeeAnn Wenk, Logan Schaaf, and Eric Rodenberg.

The November 1, 2022, meeting minutes were approved.

Co-Chairs Givens and Fleming praised the work of the Task Force and the input of from stakeholders.

**Discussion and Approval of Task Force Findings and Recommendations**

Recommendation number four, “Permit city and county governments to contract with third-party vendors under their current CON,” was amended to read, “Permit city and county governments to contract with third-party vendors whether their CON was obtained through the formal or nonsubstantive review process.”

Recommendation number 23, “Direct KBEMS and the Cabinet for Health and Family Services (CHFS) to identify categories of ambulance services

that could provide transportation for individuals who are experiencing a behavioral health crisis but who do not have an immediate physical health need or present an immediate danger to self or others, to psychiatric hospitals; include consideration of models from other states,” was amended to read, “Direct KBEMS and the Cabinet for Health and Family Services (CHFS) to identify means of transportation for individuals who are experiencing a behavioral health crisis but who do not have an immediate physical health need or present an immediate danger to self or others, to psychiatric hospitals; include consideration of models from other states.”

The memorandum of amended findings and recommendations of the Emergency Medical Services Task Force was approved by voice vote for recommendation to the Legislative Research Commission for submission to the General Assembly.

With no further business before the Task Force, the meeting was adjourned at 1:45 PM.

**EXECUTIVE BRANCH EFFICIENCY TASK FORCE**

**Minutes of the 6th Meeting of the 2022 Interim**

November 14, 2022

**Call to Order and Roll Call**

The 6th meeting of the Executive Branch Efficiency Task Force was held on Monday, November 14, 2022, at 1:00 PM, in Room 171 of the Capitol Annex. Representative Jerry T. Miller, Chair, called the meeting to order, and the secretary called the roll.

**Present were:**

**Members:** Senator Robby Mills, Co-Chair; Representative Jerry T. Miller, Co-Chair; Senator Michael J. Nemes; Representatives Shane Baker, and Bobby McCool.

**Guests:** Secretary Mike Berry, Yvonne Board, Melissa Brewer, Anita Hatchett, and B.R. Masters, Tourism, Arts, and Heritage Cabinet and Commissioner Russ Meyer and Deputy Commissioner Tom Vanover, Department of Parks.

**LRC Staff:** Daniel Carter, Alisha Miller, and Cheryl Walters.

**Approval of Minutes**

The minutes of the October 24, 2022, meeting were approved without objection, upon the motion by Senator Mills, and seconded by Representative McCool.

**Charge of the Task Force**

Representative Miller stated the objectives of the task force are to look at the functions of the executive branch of the Commonwealth; to allow agencies to explain their structure, funding, and budget building practices; and to grant agencies the opportunity to propose future reorganization plans and proposals to make their internal processes more efficient.

## **Tourism, Arts, and Heritage Cabinet – Organizational, Operational, and Budgetary Overview**

Secretary Berry explained the function and mission of the Tourism, Arts and Heritage Cabinet. The cabinet focuses on making Kentucky a premier travel destination and partners with the legislature and communities through marketing and outreach. They also partner with the travel industry.

The cabinet oversees 13 agencies ranging from Department of Fish and Wildlife (Fish & Wildlife), Department of Parks, and the State Fair Board. Agencies within the cabinet collaborate with each other on projects and cross-promotion on different campaigns and events. Examples include Kentucky Crafted, an event showcased by the Kentucky Arts Council at the Kentucky Horse Park; the “fun in the sun” sweepstakes, promoting travel to state parks by the Kentucky Arts Council, Department of Tourism, and Parks; and the forthcoming COVID-19 Memorial, which involves the Kentucky Arts Council, Kentucky Heritage Council, and the Kentucky Historical Society.

Secretary Berry testified the cabinet receives its funding from different sources: \$3.8 million in general funds, \$17.5 million from the transient room tax, \$92.5 million in federal American Rescue Plan Act (ARPA) funds, and restricted funds. Some of the appropriations include \$500 thousand to the Kentucky Science Center, \$5 million to Kentucky 4-H Foundation, and \$12 million to the Louisville Arena Authority. ARPA funding is distributed to four “pools”:

- Marketing and tourism promotion,
- Tourism commissions for marketing in individual communities,
- Tourism commissions for attracting meetings and conventions, and
- Tourism commissions for multi-jurisdiction collaborative destination marketing

The secretary noted that the application process for ARPA funds have closed and are under review.

Secretary Berry also informed the members the cabinet used federal Coronavirus Aid, Relief, and Economic Security Act (CARES) money during the last fiscal year to promote the state’s diverse travel organization. An investment report found that for every dollar spent, \$66 dollars was generated in economic impact. The cabinet partnered with Brand USA, focusing on the state’s bourbon industry. Through the Tourism Development Act, over \$300 million in tourism projects have been invested in the state.

Secretary Berry discussed the funding sources and functions of various cabinet agencies. The Kentucky Heritage Council receives \$50 thousand in state funds for the state African-American Heritage Commission, \$3.3 million (including matching funds) for the American Battlefield Trust, and federal funds of approximately \$1.1 million (including matching) from the Federal Historic Preservation Fund. The cap for the Historical Preservation Tax Program increased overall from \$5 million to \$100 million, and per project from \$400 thousand to \$10 million. The program encourages investment in historic buildings through tax credits. The Main Street program reported

approximately \$60.5 million in downtown commercial investment for participating communities in fiscal year 2021. The investment created 548 new jobs, 130 new businesses, and 201 completed rehabilitation projects.

The Kentucky Arts Council receives federal, general, and restricted funds. One of their federal partners is the National Endowment for the Arts, and payments for any contracting are performed in accordance with KRS Chapter 45A.

The Kentucky Historical Society receives general and restricted funds. Restricted funds come through the Local History Trust Fund, where taxpayers can elect to give money to the fund on their tax return. The Historical Society is charged with planning the state’s 250th anniversary at Fort Harrod, and the Kentucky Park Centennial Commission for the 100th anniversary of the state park system in 2024.

The Kentucky Humanities Council, with the assistance of the National Endowment for the Humanities and private contributions, were able to provide grants up to \$20 thousand to rural museums across the state and restore collections that were damaged due to flooding in eastern Kentucky. The council is celebrating its 50th anniversary, supports 15,000 programs, and reaches more than 5 million people through its efforts.

Commissioner Meyer testified about the organization and function of the Department of Parks. The department underwent a reorganization; its first in over 20 years. The reorganization was budget neutral and added regional administrators to serve all parks across the state. The administrators are managed by the director of park operations, who oversees 45 parks, one rail trail, and one state scenic trail. The department added an engagement division that works with visitor services to engage visitors on conservation and biological programs at various state parks. The department is working to have Wi-Fi accessibility for all parks. To date, 15 of 17 lodges and 7 of 29 campgrounds have Wi-Fi, with 6 additional campgrounds in progress.

The department played a key role in emergency response efforts, providing necessary resources during the pandemic. Four state parks provided temporary housing for first responders, front-line health care workers, and low acuity patients, utilizing 2,000 room nights as a low acuity shelter. Other parks served as vaccination sites.

In providing relief to western Kentucky tornado victims, the ranger division dedicated 33 rangers, and 6,868 park ranger hours to support efforts to rebuild western Kentucky communities. The department provided lodging for the American Red Cross, utility crews, first responders, and displaced families. Seven state parks were designated for emergency shelter and food service. Parks also provided temporary housing for more than 800 individuals and 250 first responders. The department aided eastern Kentucky flood victims. Four parks were used for emergency shelter for individuals impacted by the flooding, and over 360 individuals impacted by flooding were temporarily housed in state parks in Eastern Kentucky.

The Department of Parks uses general and restricted funds for operating. The department does not disburse funds, and may be eligible for FEMA and

other federal grants for their emergency efforts.

Secretary Berry testified about the remaining cabinet agencies. The remaining agencies receive general funds and are revenue generating. Examples of revenue generating activities include hunting and fishing license fees, event sales, campgrounds, lodging, and gift shop sales. The secretary briefed the committee on the status of each revenue generating agency:

Fish and Wildlife produced \$5.9 billion in economic impact and supported 70,000 jobs in the state. They experienced significant increases in license admissions during the pandemic.

Kentucky Artisan Center sells over \$1.7 million in KY made crafts and averages 250 thousand visitors each year.

Kentucky Horse Park welcomed over 770,000 visitors in 2021, and 50,622 nights were reserved for camping. Camping is so popular at the park that they don’t have to market or advertise it.

Kentucky Venues (State Fair Board) facilities are recognized nationally and internationally as “best in class” facilities. The venues hosted 204 events in 2021 and returned to 93 percent of pre-pandemic levels.

Kentucky Performing Arts reported attendance of 250 thousand visitors during the 2021-22 season, holding 375 events and collecting over \$25 million in revenue. Governor’s School for the Arts was able to double its class size from 250 to 500 students in its summer program this year.

Secretary Berry briefed the committee on the cabinet’s capital projects budget and operations. Many of the capital projects included deferred maintenance projects in state parks. Cabinet operations include 45 state parks; 17 resort lodges; 14 historic sites; 13 golf courses; 34 pools and beaches; 15 marinas; 32 campgrounds; 12 equestrian competition rings; 80 horses, including 1 Kentucky Derby winner; over 1.5 million square feet of event space; and 58 wildlife management areas totaling over 161,000 acres.

In response to questions from Representative McCool, Secretary Berry stated that there are strategic plans for all agencies, the plans are constantly being updated, and strategic plans for each agency fall under the purview of the executive directors. Commissioner Meyer added that the department will be making a presentation to the Appropriations & Revenue Committee about their strategic plans to revitalize state parks.

In response to questions from Representative Miller, Secretary Berry testified that the Kentucky Center for African-American Heritage is administratively attached to the cabinet, and the line-item appropriation (general fund) is for maintenance and upkeep. Kentucky Performing Arts receives capital money but not general funds, and are administratively tied to the cabinet because the state owns the building. The appropriation was for maintenance to repair the building entrance.

In response to questions from Senator Mills, Commissioner Meyer stated that the repair of pools is part of the department’s strategic plan. Ten pools were inoperable this year. The appropriations received by the General Assembly will assist with deferred maintenance projects, including pools, and with some parks it may make more sense to replace pools



with splash pads. Mr. Vanover added that the earth's rotation and shifts also affect repairs and maintenance. With respect to where the state lies on the condition of its parks and necessary repairs, it ranks in the middle. Secretary Berry stated that several pools are important to the communities they serve, and some state park pools serve as the community's pool.

In response to questions from Representative Miller, Secretary Berry stated that Friends of Holt Home have received state appropriations before, but it is the first time the appropriation appeared in the cabinet's budget. The Department of Parks did not receive ARPA money; ARPA has strict regulations, and the cabinet had to obtain legal opinions to ensure ARPA funds could be disbursed to certain communities. Commissioner Meyer added that the Department of Parks was involved in a project at Paintsville Lake State Park that used ARPA funds and partnered with Johnson County Fiscal Court to assist with the project. Ms. Brewer stated that Fish and Wildlife received general funds for the first time, a one-time allocation to support the Cumberland Forest Conservation Project. Commissioner Meyer testified that the department still uses the online reservation system, Reserve America, for campground reservations.

In response to questions from Senator Mills, Secretary Berry stated that there was a plan with Louisville Metro Police Department and state police to increase security in downtown Louisville. The secretary believes that the plan was successful with increasing economic activity in Louisville after the pandemic. Another contributor was that the cabinet rescheduled conferences instead of canceling them. Upcoming conventions include the National Conference of State Legislatures in 2024 and Episcopal Church USA has selected Louisville for its convention next year.

In response to a question from Representative Miller, Secretary Berry testified that some of the land utilized by the Department of Fish and Wildlife is National Wildlife Refuge land and many state parks are leased from the Army Corps of Engineers. It could be difficult for the department or cabinet to acquire those lands.

Representative Miller thanked the Tourism, Arts and Heritage Cabinet and Department of Parks representatives for their testimony, and the meeting adjourned at 2:15 p.m.

## **INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES**

### **Minutes of the 5th Meeting**

#### **of the 2022 Interim**

November 15, 2022

#### **Call to Order and Roll Call**

The 5th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Tuesday, November 15, 2022, at 11:00 AM, in Room 149 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 Karen Berg, Alice Forgy Kerr, Stephen Meredith, and Michael J. Nemes; Representatives Adam Bowling, Josh Bray, Tom Burch, Ryan Dotson, Ken Fleming, Mary Lou Marzian, Melinda Gibbons Prunty, Josie Raymond, Steve Riley, Scott Sharp, Steve Sheldon, Russell Webber, Susan Westrom, and Lisa Willner.

**Guests:** George Huntley and Julie Babbage, Patient Pocket Protectors Coalition; Jim Musser, Senior Vice President, Policy and Government Relations, Kentucky Hospital Association; Dave Almeida, Government Affairs Director, Leukemia and Lymphoma Society; Brian Holzer, MD, President, Chief Executive Officer, Aware Recovery Care; Dr. Faezah Bux, Board Certified Anesthesiologist, Bluegrass Specialty Surgery Center; and Jennifer Wiseman, Immediate Past-President, Kentucky Association of Nurse Anesthetists.

**LRC Staff:** DeeAnn Wenk, CSA, Ben Payne, Logan Bush, Chris Joffrion, Samir Nasir, Becky Lancaster, D. J. Burns, and Eric Rodenberg.

#### **Approval of Minutes**

A motion to approve the minutes of the September 28, 2022, meeting was made by Representative Burch, seconded by Senator Meredith, and approved by voice vote.

#### **Consideration of Referred Administrative Regulations**

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:015 Proposed** - Continuing education; **201 KAR 002:413 Emergency** - Ordering and administering vaccinations; **201 KAR 009:305 Proposed** - Continued licensure of athletic trainers; **201 KAR 020:260 Proposed** - Organization and administration standards for prec licensure registered nurse or practical nurse programs of nursing; **201 KAR 020:310 Proposed** - Faculty for prec licensure registered nurse and practical nurse programs; **201 KAR 020:490 Proposed** - Licensed practical nurse infusion therapy scope of practice; **201 KAR 020:620 Proposed** - Licensing requirements for licensed certified professional midwives; **201 KAR 020:650 Proposed** - Licensed certified professional midwives permitted medical tests and formulary; **202 KAR 007:701 Proposed** - Scope of practice matters; **200 KAR 012:005 Emergency** - Telehealth terminology and requirements; **201 KAR 005:120 Emergency** - Abortion reporting; **202 KAR 002:020 Proposed** - Reportable disease surveillance; **202 KAR 021:040 Proposed** - Community health worker certification; **201 KAR 001:104 Proposed** - Reimbursement for advanced practice registered nurse services; **201 KAR 004:020 Emergency** - Kentucky Children's Health Insurance Program Medicaid Expansion Title XXI of the Social Security Act; **201 KAR 004:030 Emergency** - Kentucky Children's Health Insurance Program Phase III Title XXI of the Social Security Act; **201 KAR 020:020 Emergency** - Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster

care individuals; **201 KAR 020:100 Emergency** - Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards; **201 KAR 001:400 Proposed** - Establishment, review, and modification of child support and medical support orders; **202 KAR 002:160 Proposed** - Child Care Assistance Program; and **202 KAR 002:160 Emergency** - Child Care Assistance Program.

Jennifer Wiseman, Immediate Past-President, Kentucky Association of Nurse Anesthetists, testified in favor of **201 KAR 001:104 Proposed** administrative regulation. She discussed the history, issues, and resolutions regarding reimbursement codes for advanced practice registered nurse services.

In response to questions and comments from Representative Webber, Ms. Wiseman stated that all parties affected by the regulation were a part of the initial decisions. She stated that the regulation requires federal funds not be turned away and that the additional increase in the reimbursement rate is to be paid to facilities not providers.

In response to questions and comments from Senator Berg, Ms. Wiseman stated that using the procedural terminology (CPT) codes for certified registered nurse anesthetists (CRNAs) with observation from a physician reimbursing would not impact the salaries of anesthesiologists.

Dr. Faezah Bux, Board Certified Anesthesiologist, Bluegrass Specialty Surgery Center, testified in opposition of 201 KAR 001:104 Proposed administrative regulation. She discussed how the regulation will allow a facility to charge the same amount of money whether the patient sees a CRNA or an anesthesiologist and this devalues the anesthesiologist and his or her training.

In response to questions and comments from Representative Sheldon, Ms. Wiseman stated that health facilities suggested the change in the regulation so that Medicare would mirror Medicaid for CRNA reimbursement codes.

In response to questions and comments from Representative Moser, Ms. Wiseman stated that it is a facility's choice to hire either a CRNA or an anesthesiologist and that the regulation will not disincentivize hospitals from hiring anesthesiologists. She stated there is a requirement in the Centers for Medicare and Medicaid Services (CMS) manual that one anesthesiologist can medically direct one to four CRNAs, the fifth CRNA cannot bill for the higher reimbursement of medical direction. Dr. Bux stated that there is a difference in billing between medical direction and medical supervision required for patient safety and outcomes.

The listed administrative regulations were reviewed by the committee.

#### **Reducing Patient Cost Through Rebate Reform**

Julie Babbage, Patient Pocket Protectors Coalition, discussed their affiliation with Diabetes Patient Advocacy Coalition (DPAC) and the Diabetes Leadership Council (DLC). George Huntley, Patient Pocket Protectors Coalition, discussed the organizations that are members of the Patient Pocket Protectors Coalition, the flaws in the insulin payment process for consumers, blurred relationships of insurers between pharmacy benefit managers

(PBMs), specialty pharmacies, and provider service companies. He discussed the issue of PBMs placing only 25 percent of generic drugs on the formulary, gave an example of consumer savings if rebate reform is passed, discussed an actuarial study information regarding the change in payer costs for rebate pass through, and gave the breakdown on drug spending by consumers. Ms. Babbage discussed the coalition's priority legislative principles for bills that may address PBM rebate reform. Mr. Huntley discussed the need and reasoning for PBM rebate reform.

In response to questions and comments from Senator Alvarado, Mr. Huntley stated that another market place would have to be created to use a voucher type medication system.

In response to questions and comments from Representative Moser, Mr. Huntley stated that PBM rebate reform will not affect the 340B program because the rebates would pass through the state employees' benefit plans and the plans through the health benefit exchange.

### **Pharmaceuticals and "White Bagging"**

Jim Musser, Senior Vice President, Policy and Government Relations, Kentucky Hospital Association, discussed how the process of white bagging ensures a patient uses a pharmacy owned by the insurer and how white bagging hinders the ability of pharmacist to ensure medication and supply chain integrity.

### **Discussion of 2023 Regular Session Bill Request 203, Relating to Cost-Sharing for Prescription Drugs**

Dave Almeida, Government Affairs Director, Leukemia and Lymphoma Society, discussed the mission of The Leukemia & Lymphoma Society, the problem of high out-of-pocket prescription cost sharing that create barriers for many patients to access the medication needed, solutions involving pre-deductibles, copay caps, keep application to all carriers in the individual and small market, and an impact analysis for patients with and without protections to keep spending on prescription drugs steady and predictable.

In response to questions and comments from Representative Moser, Mr. Almeida stated that the co-pay caps apply to an individual's deductible, but the patient would be able to take advantage of the co-pay prior to meeting the full deductible for all chronic conditions.

In response to questions and comments from Representative Sheldon, Mr. Almeida stated that the co-pay caps are for a single drug per month.

### **Presentation on the Aware Recovery Care**

Brian Holzer, MD, President, Chief Executive Officer, Aware Recovery Care, discussed the mission statement and locations of Aware Recovery Care, how its model is different from other traditional recovery models, the four phases of their recovery model, the reductions in substance use during and one year post treatment, and the outcomes that reduce the total cost of care for medical and behavior care.

In response to questions and comments from Senator Alvarado, Dr. Holzer stated that Aware

Recovery Care is working with a non-profit organization to deliver the care model in the patient's home to receive the opioid abatement funds.

In response to questions and comments from Representative Moser, Dr. Holzer stated that Aware Recovery Care has 16 value-based contracts with insurers in various states. He stated that a fee-for-service model would cost approximately \$42,000 a year.

In response to questions and comments from Representative Moser, Dr. Holzer stated that in the program the patient is assigned two certified recovery advisors, who are typically previous clients of the program, to better identify the issues without perceived judgement.

In response to questions and comments from Representative Westrom, Dr. Holzer stated that the Aware Recovery Care model is staff intensive and includes peer support advocates. He stated that Aware Recovery Care is working closely with nonprofit organizations in Kentucky to build up the workforce needed for this model.

### **Adjournment**

There being no further business, the meeting was adjourned at 12:51 PM.

## **INTERIM JOINT COMMITTEE ON JUDICIARY**

### **Minutes of the 6th Meeting of the 2022 Interim**

November 3, 2022

### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Judiciary was held on Thursday, November 3, 2022, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Danny Carroll, Acting Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Senator Whitney Westerfield, Co-Chair; Representative C. Ed Massey, Co-Chair; Senators Karen Berg, Danny Carroll, Gerald A. Neal, John Schickel, Wil Schroder, Robert Stivers, Johnnie Turner, Stephen West, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Patrick Flannery, Samara Heavrin, Nima Kulkarni, Chad McCoy, Kimberly Poore Moser, Jason Nemes, Jason Petrie, and Pamela Stevenson.

Guests: Senator Ralph Alvarado, Senate District 28; Richard V. Hornung, Managing Partner, Hebel & Hornug, P.S.C.; Executive Director Josh Crawford, Pegasus Institute; Robert Blizzard, Partner, Public Opinion Strategies; Marcus Jackson, Organizing Coordinator, ACLU of Kentucky; Charley Olena, Senior Director of Advocacy, Secure Democracy USA; Executive Director Jason Hall, Catholic Conference of Kentucky; and Greg Kildow, General Manger, RAD Accessories.

LRC Staff: Roberta Kiser, Matt Trebelhorn, Randall Roof, Michelle Spears, Lexington Souers, Stacy Byrns Taulbee, and Sasche Allen.

A motion was made by Senator Schickel and

seconded by Senator Wheeler to approve the minutes of the October 20, 2022, meeting. Minutes were approved by voice vote without objection.

### **Planned Community Act**

Senator Ralph Alvarado reviewed proposed legislation governing the creation, operation, or management of homeowner associations (HOAs) and planned communities.

Richard V. Hornung spoke on his involvement with the Kentucky Chapter of Community Association Institute and stated the revised version of the uniform Planned Community Act would efficiently provide self-determination by owners and improve the overall welfare of HOAs and planned communities by adding default provisions where contracts lack basics of transparency, proper amendatory rights, budget and financial review and violation enforcement.

In response to Senator West, Senator Alvarado stated that modifications have been made to the previous bill during the 2022 interim.

In response to Representative McCoy, Mr. Hornung stated that owners of an HOA or planned community with declarations and bylaws are bound by those contract documents. If the declarant of a common community files for a declaration of record, the declarant must have a board of directors to assist in mandating the infrastructure of the community. Representative McCoy suggested additional language to disclude rural areas.

In response to Senator Schickel, Mr. Hornug stated that the current proposal is a modified version from the 2017 legislative session initial draft.

In response to Representative Kulkarni, Mr. Hornug stated that language declaring a control period has been modified by removing financial reporting, as well as modifications made to the seller's disclosure section.

In response to President Stivers, Mr. Hornug stated that existing communities that are in contractual agreements will not be affected by the proposed legislation.

In response to Senator Turner, Mr. Hornug stated that allowing a mechanism for developers to opt out would defeat the purpose of the legislation.

### **Restoration of Felon Voting Rights**

Charley Olena discussed legislation for the restoration of voting rights for felony offenders such as Senate Bill 223 from the 2022 legislative session which included language restoring voting eligibility for convicted felons. This restoration would immediately occur upon completion of the sentence and release from supervision by the Department of Corrections, only exempting individuals convicted of treason, bribery in an election, or election fraud.

Robert Blizzard shared voting poll statistics from a statewide survey conducted in September.

Jason Hall stated support for the restoration of voting rights on behalf of several organizations.

Greg Kildow and Marcus Jackson provided testimony as impacted individuals regarding the restoration of voting rights.

In response to Senator Wheeler, Ms. Olena stated that voting rights would be restored after the convicted individual completed sentencing for all crimes

committed unless the individual is on probation or parole.

In response to Representative Blanton, Ms. Olena stated that the requested legislation would include language stating that three years after an individual has completed their sentence, they would have the right to hold office and be selected for jury duty but the requested legislation would not address possession of a firearm, as that is a statutory provision.

In response to Senator West, Ms. Olena stated that it was her opinion that the proposal would require a constitutional amendment and could not be done by statute. At this time voting rights can only be restored by one individual, the governor, under the clemency power.

In response to Senator Turner, Ms. Olena stated that completion of a sentence would be defined by the Department of Corrections. Once an individual is no longer under the supervision of the Department of Corrections their voting rights would be restored.

In response to Senator Schroder, Mr. Jackson stated that he petitioned Governor Beshear for the restoration of his voting rights but has received no response to his request. Ms. Olena stated that records have been requested from the Governor's Office for individuals seeking restoration regarding their status.

In response to Representative Nemes, Ms. Olena stated that a study from the Alliance of Safety and Justice found that six in ten victims of a crime would prefer a system that is focused on prevention and rehabilitation programs with restoration of voting rights being part of the rehabilitation process.

In response to Representative Decker, Ms. Olena stated that the documented studies are of convicted individuals that have completed probation and parole.

In response to Representative Elliott, Ms. Olena stated that the majority of the 43 states that have passed legislation regarding restoration of voting rights have exempted individuals charged with election fraud, treason, and bribery in an election. Other states have exempted additional charges unique to that state.

In response to Senator Carroll, Ms. Olena stated that some states treat repeat offenders differently.

### **Solitary Confinement**

Josh Crawford provided a presentation regarding solitary confinement. Solitary confinement is disciplinary segregation as a punitive response to inmate behavior, and in the short-term can be a useful administrative tool to help ensure inmate and staff safety. Long term solitary confinement has repeatedly been found to have adverse effects on an inmate's mental and behavioral health and increases recidivism.

In response to Representative Banta, Mr. Crawford stated that equipping correctional officials with additional tools could diminish the long-term use for solitary confinement. Procedures providing a clear path for release from solitary confinement would also be recommended to limit its long-term use.

Senator Schickel and Representative McCoy provided their experiences and observations regarding solitary confinement in correctional facilities.

There being no further business, the meeting adjourned at 12:47 P.M.

## **INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS**

### **Minutes of the 6th Meeting of the 2022 Interim November 17, 2022**

#### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on Thursday, November 17, 2022, at 10:00 AM, in Room 154 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 Donald Douglas, Jason Howell, Christian McDaniel, Gerald A. Neal, Michael J. Nemes, and Damon Thayer; Representatives Kevin D. Bratcher, Tom Burch, Patrick Flannery, Thomas Huff, Matthew Koch, C. Ed Massey, Jerry T. Miller, Ruth Ann Palumbo, Phillip Pratt, Killian Timoney, and Susan Westrom.

**Guests:** State Representative Nima Kulkarni; Carl Sims, Deputy Program Director, The Council of State Governments; State Representative Norm Thurston, Utah House of Representatives; State Representative Nancy Tate; Jim Bradford, Deputy Garrison Commander of Fort Knox; Mike Robinson, GIS Specialist for the Lincoln Trail Area Development District; Brigadier General (Retired) Jim Iacocca, President/CEO Knox Regional Development Alliance; Jason Underwood, Managing Director, Capitol Strategies; Frank Fina, Sr., Pace-O-Matic; Chad Carmichael, Carmichael Music & Vending; Wes Jackson, Kentucky Merchants and Amusement Coalition, Lexington Cue Club; Bob Heleringer, General Counsel, Prominent Technologies, LLC; Adam Haley, Staff Contact, Kentucky Academy of Audiology; Greg Brotzge, Government Affairs Consultant, Hearing Aid Association of Kentucky; and Chauncey Morris, Kentucky Thoroughbred Association, Kentucky Thoroughbred Owners & Breeders.

**LRC Staff:** Wendy Craig, CaraBell Preece, and Lisa W. Moore

#### **Approval of Minutes from October 27, 2022, meeting**

Senator Howell motioned to approve the minutes from the October 27, 2022, meeting and Representative Timoney seconded the motion. Motion carried and the minutes were approved by voice vote.

#### **License Reform for Non-Citizen Immigrants**

Chairman Koenig participated in a national consortium studying licensing reforms and improvements. He said the conference was beneficial to looking at end results. Representative Nima Kulkarni said licensing reform for non-citizen immigrants is a solution to end the workforce crisis facing the Commonwealth. Barriers that immigrant and refugee professionals face in the United States have a serious impact on the workforce and specific

sectors with worker shortages. State governments have made strides to lower these barriers.

Representative Kulkarni said there is a pool of potential workers that are in the state that have work authorization, but are chronically underemployed or unemployed in their chosen field of education and experience. Refugees is a specific population of immigrants that have not chosen to come to the United States on their own accord, but were displaced or forced to leave their home and did not collect transcripts, official diplomas, research certificates, etc. that would verify their experience in the home they left. Settlement camps also cause large gaps in work history for refugees prior to settling in the United States.

Carl Sims, Deputy Program Director, The Council of State Governments (CSG), showed members a PowerPoint and said CSG is a region-based membership organization that fosters the exchange of insights and ideas to help state officials shape public policy. He noted the projected in-demand professions commonly requiring licensure: healthcare, personal care, and community and social services. Contributing factors to the workforce shortages in these areas is workforce participation rates, demographic trends, and pathways to employment/licensure. In Kentucky, the hospital job vacancy rate is at 17.1 percent. An estimated 14 percent of the current nursing workforce in Kentucky is nearing retirement age.

Mr. Sims said the United States immigrant population makes up 13.75 percent of the total population and 17 percent of the national workforce. In Kentucky, the immigrant population makes up 4 percent of the total population and 5 percent of the state's workforce. Economic and social costs of licensure may involve overly burdensome requirements; creates additional costs for licensees; may contribute to workforce shortages; reduces access to services; and inhibits ability of professionals to move and practice across state lines.

State Representative Norm Thurston, Utah House of Representatives, said that Utah residents, immigrants or nonimmigrants, who have work permission, should be allowed to obtain jobs that they are trained and qualified to perform. Government should not get in the way of workers performing jobs they know how to do. Immigrant specific barriers to licensure include lack of recognition of foreign credentials, lack of knowledge about licensing, skills gaps and costs, and English proficiency. He said learning English should not be a deal breaker to employment and Utah created a new office of Professional Licensure Review and provided the resources to allow the review of regulations across the state and identify what barriers are keeping workers who are trained and skilled from getting jobs.

Representative Kulkarni concluded that creating task forces, dedicating state offices, and building community partnerships is a good state policy strategy. She said modifying licensing requirements and addressing skill gaps and English language proficiency are good first strategies. These steps improve communications license applicants and reduce overly burdensome barriers to licensure to fill critical need jobs.

Responding to a question from Chairman



Koenig, Representative Thurston said Utah focused on competency-based outcomes instead of inputs to ensure workers could perform a specific job. Utah has focused on working with refugee communities to eliminate language barriers and allowing flexibility for documentation requirements. It is important to value the refugees' job skills and not allow the license to be the reason they are not working.

Responding to a question from Representative Westrom, Representative Thurston said Utah has not utilized the transcription software that changes one language into another, but may consider doing so in the future. He said they do use an online interpreter to help with telephone and in-person communications. Representative Westrom said it demonstrates courage to move from another country into the United States.

Responding to a question from Representative Miller regarding a shortage of CDL drivers, Representative Thurston said there are federal requirements involved with commercial driver licensing. States should focus on teaching the skills to drive a truck, in addition to the worker learning English.

Responding to questions from Senator Douglas regarding public safety and career pathways, Representative Kulkarni said the proposed legislation will not make it easier for this population to obtain citizenship, and oversight and safety will not be overlooked. Pathways to an occupation can be eased whether it is language, time, or cost. Refugees can be a tool to fill shortages and gaps in Kentucky's workforce needs while learning English simultaneously.

Senator Douglas noted that identifying this population as a potential pool of workers is fine, but legislators are tasked with ensuring public safety of the citizens. There are also many people in this country who have worked hard for many years to obtain these jobs. Representative Kulkarni assured the committee that this group will target job shortages and this will not make employers more inclined to offer this group of people a job, nor does it make it easier for anyone to obtain a job. Chairman Koenig clarified that barriers to employment should be lowered without sacrificing public safety in order to give people the opportunity to work and live the American dream.

Representative Koch said he is supportive of the issue. Immigrants can fulfill a need and contribute value to the workforce.

Senator Nemes said this can be a great idea and he hopes people that are here can stay and be successful. He did caution to ensure that a worker's experience and knowledge is valid without being provided background credentials.

#### **Military Installation Real Estate Disclosure**

Representative Nancy Tate presented about the need for a noise disclosure in the sale of real estate in proximity to Fort Knox and Fort Campbell as a protection for military communities. She is proud to support the armed services and this topic is a priority of the Department of Defense. Fort Knox is Kentucky's number one economic engine second only to UPS.

Jim Iacocca, President/CEO, Knox Regional Development Alliance, testified via Zoom that his

organization is charged with protecting Fort Knox and supporting soldiers and their families. Fort Knox is a crucial component of Kentucky's economy, employing 22,000 people to become the second largest employer in the state. He said acknowledging being located close to a military installation is the right thing to do for Fort Knox and the homeowner.

Mike Robinson, GIS Specialist for the Lincoln Trail Area Development District, provided some background information for the need of the military installation. Jim Bradford, Deputy Garrison Commander of Fort Knox, said the objective of proposed legislation is to ensure that Fort Knox continues to maximize its readiness and training capacity. Fort Knox needs to be able to work with real estate agencies and organizations as well as homebuyers that are procuring residential and commercial land.

Responding to a question from Senator Howell, Mr. Bradford said they do receive easement requests and handle those through the real property and real estate agreement with some involving the United States Core of Engineers. He noted they are not seeing any challenges or friction working through the processes. Noise issues from neighboring land owners are handled through voice complaints and they strive to work with civic leaders in the area to inform public of certain events. Real estate sellers and homebuyers need to be aware of what they are purchasing.

Responding to a question from Chairman Koenig, Representative Tate said House Bill 89 was introduced in the 2022 Regular Session and needs some modifications. Mr. Bradford said the term military installation is specifically defined as Fort Knox and Fort Campbell. Mr. Robinson said they are working with real estate agencies, but an eight-mile distance seems reasonable for the homeowner to acknowledge noise and other issues of living near either base.

Chairman Koenig stated that one concern is if this is put into statute, is that every person who sells a house in the state of Kentucky will have to indicate whether they live within ten miles of one of those two installations. It is a regionally specific issue that should be able to be fixed locally and not require legislation. This would also modify disclosures to include issues that are external to the home, which is not the case now.

Responding to a question from Senator Nemes, Mr. Bradford said Fort Knox will remain a partner to the communities with respect to training and providing notification and information to residents and community leaders in the area. There is a historical residency that is familiar with Fort Knox, but some new residents do not know the history of Fort Knox or its intentions for the future. The purpose of the disclosure is to be sure the homebuyers understand they are procuring a home next to an active military installation that is providing readiness for the Army and the Department of Defense. Representative Tate does not believe the disclosure language will cause a decrease in property value in the area. It has not lowered property values in other states that have added real estate disclosures for military installations.

#### **Tax and Regulatory Structure for Games of Skill**

Jason Underwood, Managing Director, Capitol Strategies, provided an overview of the industry and support for games of skill. Frank Fina, Pace-O-Matic, said it is the leading software company across the United States. He said regulating and taxing legal skill games eliminates illegal gaming distributors and operations. It provides the state with additional tax revenue and affords Kentucky small businesses and fraternal clubs a certainty to earn supplemental revenue. Roughly 80 percent of profits and revenue from the games stay in the states in which they operate.

Mr. Fina said the skill game industry is working with Senator Howell and other legislators on legislation for the 2023 Regular Session of the General Assembly to introduce that will further define, regulate, and tax the legal skill game industry in Kentucky. Key provisions include providing regulatory authority to the Kentucky Department of Revenue and enforcement authority to the Kentucky State Police. It establishes licensing fees for skill games, distributors, operators, and establishments of each game and sets a six percent tax rate. Most of the tax revenues collected go to the general fund, with percentages going to the county and local governmental bodies where games are located. It limits gameplay to those 18 years of age or older, and establishes strong civil penalties to discourage the unlawful sale, distribution, or play of illegal gambling devices and unlicensed skill games.

Wes Jackson, Kentucky Merchants and Amusement Coalition, Lexington Cue Club, and Chad Carmichael, Carmichael Music & Vending, both spoke in support of legalizing skill games in Kentucky. Skill games, and the revenue they generate, have become a lifeline for many small businesses, clubs, veteran groups, and fraternal organizations in Kentucky. The gray machines provide entertainment to customers and create supplemental income for family establishments across Kentucky.

Bob Heleringer, General Counsel, Prominent Technologies, LLC, testified in favor of regulating games of skill. He said Kentucky's skill games are legal as is and should not be considered gray games. The game machines are located in over 60 Kentucky counties, are very popular with Kentucky citizens, and help small business owners pay income taxes and donate to charitable causes. Prominent Technologies is working with House and Senate leadership on proposed legislation for the 2023 Regular Session of the General Assembly that will license and tax the games. He said this is a win/win for Kentucky taxpayers.

Malcolm Chair, AMVETS, Commander of American Legion, spoke in opposition to the games of skill. His organizations contribute over \$2 million back to the community to provide for veterans through charitable gaming. The gray machine games cause unfair competition and do not provide revenue back into the communities.

Senator Thayer is in opposition to the legalization and regulation of the gray games. He will support Representative Timoney's bill of making games of skill illegal in the Commonwealth. There are three types of legalized gambling in Kentucky: pari-mutuel; the lottery; and charitable gaming. They all serve higher purposes and pay taxes. He opposes

any effort to legalize a unique business model that is illegal, and believes it would create a terrible precedent. Historical Horse Racing (HHR) machines started out with multiple favorable court rulings and a tax rate established by the General Assembly in the 2014 revenue bill. HHR was determined to be pari-mutuel by a court opinion, regulated by the Kentucky Horse Racing Commission, and taxed by the General Assembly.

Responding to a question from Representative Pratt, Mr. Fina said retailers are in 100 percent compliance with every applicable local and state law. Many locations are ABC regulated and accustomed to selling age restricted products. Representative Pratt said retailers in his district are not aware of the reporting requirements of legalizing these machines and had no idea their license was at risk. Mr. Fina asked Representative Pratt for a list of store locations that are not aware of requirements.

Responding to a question from Representative Palumbo, Mr. Fina said they are operating in several VFWs and other fraternal clubs. He does not see a scenario where these organizations would lose their charitable license or tax status by operating legal skill games. Representative Palumbo would like to tour the businesses in Lexington.

Responding to questions from Representative Timoney, Mr. Fina said no Kentucky judge has ruled on a legal definition for the games. Representative Timoney said they are still considered gray machines until a court decides and issues a legal definition that they are in fact games of skill. Mr. Fina will get the amount of revenue generated by the machines in Kentucky to the committee members. Representative Timoney is disheartened that charitable gaming venues are closing because of the competition from the gray machine locales. Fraternal clubs and other locations have expressed preference to not have children playing the games in their venues.

Responding to a question from Representative Flannery regarding age requirements, Mr. Fina said it is a national policy decision to not allow players under 21 to play the games of skill.

Responding to a question from Representative Koch on machine payouts, Mr. Fina said the maximum payout per machine is \$4,000. Almost 90 percent of the money played in the machine goes back to the player, but this varies by machine. He also noted they are operating legally in Virginia due to court injunction.

Senator Howell said it is beneficial to hear all sides of testimony on the issue. He is a strong supporter in helping small businesses to be successful.

Responding to a question from Senator McDaniel, Mr. Fina said there has been one seizure of games in Kentucky and they voluntarily returned them after motions were filed in the court of jurisdiction. Senator McDaniel believes the General Assembly needs to take another look at this and realize what businesses this helps before making any rash decisions.

#### **Dispensing of Hearing Aids**

Adam Haley, Staff Contact, Kentucky Academy of Audiology and Greg Brotzge, Government Affairs Consultant, Hearing Aid Association of Kentucky, explained the over-the-counter (OTC) hearing aids

final rule that went into effect in October 2022. The final rule primarily established a category of OTC hearing aids that consumers aged 18 years or older, with perceived mild to moderate hearing impairments, can purchase without the involvement of a hearing care professional. In order to conform with this final rule, Kentucky law needs to be updated. They are working on legislation for the upcoming session as well as working with licensure boards to form a committee to determine what regulations need to be updated as well. Mr. Brotzge does not anticipate any conflicts updating the statutes as organizations have worked closely together on this issue. It will not affect over-the-counter sales in any manner. There were no questions from committee members.

#### **Turf Races/Kentucky Thoroughbred Development Fund Program**

Representative Koch and Chauncey Morris, Kentucky Thoroughbred Association and Kentucky Thoroughbred Owners & Breeders, said the industry's future looks bright with year-round racing on the horizon in Kentucky. However, there is a concern that turf sires are losing their edge in the sport and it was expressed that amendments to KRS 230.400(5)(a) be made through future legislation to open this field.

#### **Other Business**

Chairmen Schickel and Koenig honored retiring committee members with citations.

#### **Adjournment**

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

### **INTERIM JOINT COMMITTEE ON LOCAL GOVERNMENT**

#### **Minutes of the 6th Meeting of the 2022 Interim**

November 15, 2022

#### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Local Government was held on Tuesday, November 15, 2022, at 10:00 AM, 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 Michael Meredith, Co-Chair; Senators Ralph Alvarado, Christian McDaniel, Michael J. Nemes, Wil Schroder, Adrienne Southworth, Damon Thayer, and Phillip Wheeler; Representatives Josh Bray, George Brown Jr., Jeffery Donohue, Ken Fleming, Deanna Frazier Gordon, Mary Beth Imes, Adam Koenig, Matt Lockett, Jerry T. Miller, Brandon Reed, Rachel Roberts, and Walker Thomas.

**Guests:** David Livingston, Jim Henderson, Shellie Hampton, Gracie Lagadinos, and Kayla Carter, Kentucky Association of Counties; Bruce Roberts and Jeremy Rodgers, Kentucky Fire Commission; Rick Rand, Department of Housing, Buildings, and Construction; Mike Haney, State Fire Marshal's Office; Molly Cassady, Public Protection Cabinet; Sara Beth Gregory, Auditor of Public Accounts

Office; and J.C. Young, Kentucky Magistrates and Commissioners Association.

**LRC Staff:** Mark Mitchell, Joe Pinczewski-Lee, Christopher Jacovitch, and Cheryl Walters.

#### **Approval of Minutes**

Upon the motion of Representative Lockett, seconded by Senator Alvarado, the minutes from the October 25, 2022, meeting were approved.

#### **Consideration of Administrative Regulations**

The committee considered the following referred Administrative Regulations: 739 KAR 2:070, relating to the volunteer fire department loan fund, promulgated by the Kentucky Fire Commission; 815 KAR 010:060, relating to Kentucky standards of safety, and 815 KAR 7:120, relating to the Kentucky Building Code, promulgated by the Department of Housing, Buildings, and Construction.

#### **Kentucky Association of Counties' Legislative Platform for the Upcoming 2023 Session of the General Assembly**

Mr. Jim Henderson, Executive Director/CEO of the Kentucky Association of Counties (KACo), told the committee that KACo's focus today would be primarily educational and informative. On behalf of counties, he thanked the legislature for being engaged and generous.

Mr. David Livingston, Scott County Magistrate and KACo President-Elect, told the Committee that KACo recognizes that short legislative sessions were designed for limited, targeted work. Counties are focused on the long game, continuing to "tell the county story."

Mr. Livingston discussed KACo's organizational structure and how it arrives at its policy recommendations. He also discussed the role of counties and their officials in terms of their relationship with the General Assembly, state, and citizenry of the Commonwealth, to include the many services that counties provide to the citizens and the state.

Ms. Shellie Hampton, Director of Government Affairs, stated one of the most important partnerships counties share with the state is transportation safety. The network of roads in Kentucky is a web of federal, state, and county/municipality maintained roads. Out of the 80,000 miles of roads in Kentucky, counties are responsible for the maintenance of 40,000 miles. Counties maintain a third of all bridges in the state. The only major state road fund revenue stream that counties receive is from the motor fuels tax. That tax is split between the state (51.8 percent), counties (18.3 percent), and cities (7.7 percent). While counties are responsible for half the road miles, they only receive a little over 18 percent of this funding for county roads.

In 2022, HB 8 set the wheels in motion to capture electric vehicle (EV) fees to help pay for the upkeep of the Kentucky roads they use, like those who have always paid their share at the pump. The electric and hybrid vehicle fees beginning in January of 2024 will be deposited 50/50 into the state road fund and state general fund. The charging station tax of three cents per kilowatt hour has been assigned 100 percent to the state road fund.

Nothing in HB 8 allows for revenue sharing of the

EV fee. These vehicles are expected to be a significant part of the driving future and to displace gasoline as the fuel. It was shared recently that Americans bought 67 percent more electric cars in the third quarter of 2022 than in the same period in 2021, according to the third-quarter Electrified Light Vehicle Sales Report. In light of these facts, counties respectfully request legislation that will specify that revenues generated by electric vehicle fees, including those at charging stations, will be shared with counties in the same manner as the motor fuels tax is presently.

County budgets have experienced increased costs, and all facets of road maintenance have increased. The cost of operating a motor vehicle alone has gone up over 40 percent in the last year, and federal funding received through the CARES Act and ARPA is largely restricted. ARPA funds will sunset in 2026, and after that, counties will again only have three revenue options: property tax, insurance premium tax, and occupational tax. The legislature's ability to improve local taxing options to include more competitive choices should change with the times.

Mr. Henderson told the Committee that counties desire to have a sales tax option. Thirty-eight other states allow for local sales tax option, and Kentucky should be number 39. KACo wants to engage in "leveling the playing field." The current inequity among counties is the result of old laws, some more than 40-50 years old, that were passed during a different time, when a handful of counties were considered large counties, some of which are now on the other end of the growth spectrum. A piecemeal approach over a few decades has resulted in many discrepancies among counties. Arbitrary population thresholds of 30,000 which at one time was set at 50,000, limits counties' abilities to collect taxes within the entire county. In these counties, tax burdens continue to be shifted to those in the unincorporated areas, disproportionately taxing the rural areas to pay for the mandated services that benefit everyone in the county.

Mr. Henderson noted the changing demographic of counties in light of historic taxing authority.

Mr. Henderson concluded by discussing the 2022 county election results in terms of county officials. The landscape of elected county officials has changed significantly in the past two decades. There was another big turnover in elected officials.

In response to a question from Representative Meredith, Mr. Henderson stated that he could not identify which counties were grandfathered in terms of occupational license taxes, but would get that information to the Committee.

In response to a question from Senator Thayer, Mr. Henderson discussed the total victories of each political party in several offices in the most recent local elections and indicated that more data could be obtained by contacting KACo staff.

In response to a question from Senator Wheeler, Mr. Henderson replied that as cities annex developing territories, that are subject to occupational license taxes, the annexations have created tension and loss of revenues as the revenue from the occupational license taxes then goes to the cities rather than the counties.

In response to another question from Senator Wheeler, Mr. Henderson noted that the jail per deim

increase the General Assembly allowed has helped counties fiscally. Counties are still interested in having a per deim paid for counties housing state prisoners prior to adjudication as well.

In response to two questions from Senator Southworth, Mr. Henderson stated that the sheriffs asked for statewide jurisdiction during a declared emergency because the last two disasters in Kentucky brought to light the necessity of having full powers outside of their original jurisdiction. Regarding online legal notice publication, Mr. Henderson said that county leaders would rather all counties be able to publish online, but the over 80,000 population threshold was a compromise in the existing legislation.

Senator Nemes commented that sheriffs already may assist another county, but at present the process is cumbersome. The request from KACo would clarify for it to be done easier and quicker.

In response to a question from Representative Thomas, Ms. Hampton stated that the occupational tax is holding steady as a revenue source for counties.

Senator Mills requested that KACo submit a one-page document to the Committee that includes KRS cites for revenue sources regarding KACo's initiative regarding leveling the playing field.

Senator Mills and Representative Meredith presented citations to the Senate and House members who were not returning in 2023.

There being no further business, the meeting was adjourned at 11:00 a.m.

## **INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENERGY**

### **Minutes of the 6th Meeting of the 2022 Interim November 3, 2022**

#### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Natural Resources and Energy was held on Thursday, November 3, 2022, at 1:00 PM, in Room 154 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 Denise Harper Angel, Adrienne Southworth, Phillip Wheeler; Representatives Randy Bridges, Tom Burch, Ryan Dotson, Patrick Flannery, Chris Fugate, DJ Johnson, Norma Kirk-McCormick, Pamela Stevenson, Bill Wesley, and Richard White.

Guests: Kent Chandler, Chairman, Public Service Commission.

LRC Staff: Stefan Kasacavage, Kayla Carroway, Tanya Monsanto, and Rachel Hartley.

#### **Discussion of Issues Relating to the Public Service Commission**

Kent Chandler stated the Public Service Commission (PSC) is a three-member independent regulatory agency, which regulates non-municipal utilities in Kentucky. The PSC does not regulate

cooperatives served by the Tennessee Valley Authority. Since 1934, the primary statutory directive of utility regulation in Kentucky revolves around fair, just, and reasonable rates and adequate, efficient, and reasonable service.

Mr. Chandler stated that regulatory asset securitization is a process that would allow utility customers to effectively buy an asset from the utility using money provided by bonds financed by lenders. Since the utility earns an equity and debt return on their own investments, replacing that investment with only debt capital reduces the financing costs of that asset. Securitization could be useful in reducing the costs for financing some nonrecurring, one-time, extreme, or otherwise unusual utility costs, like the retirement of an electric generating unit before its cost has been fully recovered by the utility. About one-half of states have adopted legislation allowing regulatory asset securitization. As of May 2022, \$62 billion of utility securitization bonds nationwide have been issued by electric utilities, ranging from \$22 million to \$4 billion issuances.

The energy market trends that impact utility regulation include the fuel adjustment clause, integrated resource planning, certificates of public convenience and necessity, and rate cases.

Regulatory considerations by the PSC include plant retirements, reliability and resource adequacy, costs of emerging technologies, and wholesale markets. The PSC is committed to ensuring utilities have enough generating capacity to meet demand. Kentucky's current electricity generation mix includes 69 percent coal, 23 percent natural gas, 7 percent hydroelectric, and 0.5 percent renewable energy.

In response to Representative Gooch, Mr. Chandler stated the PSC does not limit the amount a utility can invest. The PSC does limit how much a utility can recover from ratepayers.

In response to Senator Smith, Mr. Chandler stated the PSC is unable to change a federal determination of rates.

In response to Representative Kirk-McCormick, Mr. Chandler stated he would research what the base-rate for water is in Martin County.

In response to Representative Johnson, Mr. Chandler stated if the cost of keeping a coal-fired plant open is more than the cost of a replacement then the best option for ratepayers is for the coal-fired plant to retire earlier than planned. Representative Johnson stated environmental requirements are causing early retirements.

In response to Senator Wheeler, Mr. Chandler stated it is often cheaper to retire and replace coal-fired plants than to retrofit them. Senator Wheeler stated the sun and wind are intermittent energy sources, so a baseload generation mix of coal and natural gas is needed to achieve grid reliability.

In response to Representative Dotson, Mr. Chandler stated a utility is unable to borrow against a decommissioned asset when it is securitized.

In response to Representative Flannery, Mr. Chandler stated the PSC must approve a utility's debt before it is incurred.

In response to Representative Kirk-McCormick, Mr. Chandler stated a school near the decommissioned Big Sandy plant will no longer receive \$1 million in



annual taxes from the plant.

In response to Senator Wheeler, Mr. Chandler stated securitization of the decommissioned Big Sandy plant would save ratepayers approximately \$7 million to \$9 million.

There being no further business, the meeting was adjourned.

## **COMMISSION ON RACE & ACCESS TO OPPORTUNITY**

**Minutes of the 6th Meeting  
of the 2022 Interim**  
November 15, 2022

### **Call to Order and Roll Call**

The 6th meeting of the Commission on Race & Access to Opportunity was held on Tuesday, November 15, 2022, at 11:00 AM, in Room 129 of the Capitol Annex. Representative Samara Heavrin, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Senator David P. Givens, Co-Chair; Representative Samara Heavrin, Co-Chair; Senators Karen Berg, Gerald A. Neal, and Whitney Westerfield; Representatives George Brown Jr., Nima Kulkarni, and Killian Timoney; Hannah Drake, OJ Oleka, and Erwin Roberts.

Guests: Representative Keturah Herron; Dr. Monique Williams, Assistant Professor, University of Louisville School of Public Health and Information Sciences; Dr. Sabrina Brown, Associate Professor, University of Kentucky College of Public Health; Tracy Pulley, Director, Fulton Independent School District/Family Resource Youth Services Center; Dr. Matt Berry, Research Director, Kentucky Center for Statistics; Leah Ramirez, M.S., Health Policy Director, Elevance Health Public Policy Institute; April Falconi, PhD, Associate Research Director, Elevance Health Public Policy Institute; Tabitha Ross, Health Equity Director, Anthem Blue Cross Blue Shield Medical; and Hope McLaughlin, Sr. Director of Government Relations, Kentucky, Elevance Health.

LRC Staff: Brandon White and Brett Gillispie.

### **Approval of Minutes**

A motion to approve the minutes of the October 27, 2022, meeting was made by Representative Timoney, seconded by Senator Neal, and approved by voice vote.

### **Maternal Health/Doula Access**

Leah Ramirez, M.S., Health Policy Director, Elevance Health Public Policy Institute; April Falconi, PhD, Associate Research Director, Elevance Health Public Policy Institute; Tabitha Ross, Health Equity Director, Anthem Blue Cross Blue Shield Medical; and Hope McLaughlin, Sr. Director of Government Relations, Kentucky, Elevance Health presented to the commission about maternal health and doula access.

Dr. Falconi stated that maternal mortality in the U.S. outranks every country in the developed world, and that the risk is significantly higher in Black and Native communities. Black mothers are more than two times as likely as white mothers to experience severe

maternal health morbidities. This is exacerbated by shrinking access to obstetric care in rural areas due to hospital closures. The presenters offered doula access as a potential solution to this issue.

Dr. Falconi stated that a doula pilot program was evaluated in California and New York. The mothers who participated in this program saw an 8.1 percent rate of low birthweight infants vs. 12.3 percent in mothers who did not participate and a 5.9 percent rate of admission to NICU versus 11.4 percent in mothers who did not participate. Additionally, they were more likely to attend their post-natal visits. Women using a doula had 58 percent lower odds of having a cesarean delivery, 58 percent lower odds of postpartum depression or anxiety, and spent \$1,675 less on average on pregnancy-related medical costs.

Ms. Ross stated that Anthem has invested \$300,000 to support doula scholarships across Kentucky in order to help increase access to prenatal care. This scholarship program has attempted to recruit diverse doula candidates in order to better serve disadvantaged communities. So far, the program has hired 25 doulas from diverse backgrounds and provided 87 birth scholarships.

Ms. Ramirez provided four different policy options that would allow Medicaid to cover doula access. Allowing Medicaid coverage of doulas would greatly increase access to prenatal care to low-income families.

In response to a question from Representative Kulkarni, Ms. Ramirez stated that the General Assembly could require cultural competency training and Medicare quality initiatives in implementing a doula Medicaid pilot in Kentucky.

In response to a question from Representative Timoney, Dr. Falconi stated that they are unsure why maternal health in the United States is such a persistent issue. She believes that doula access will be an important tool to increasing maternal healthcare.

In response to a question from Representative Timoney, Dr. Falconi said that more than half of maternal morbidities are currently being experienced in the post-partum period, and that women are not attending their post-natal visits.

### **Gun Injury Prevention: A Public Health Approach**

Representative Keturah Herron; Dr. Monique Williams, Assistant Professor, University of Louisville School of Public Health and Information Sciences; and Dr. Sabrina Brown, Associate Professor, University of Kentucky College of Public Health presented to the commission on gun injury prevention.

Representative Herron said that gun violence prevention is one of her key legislative priorities. She emphasized that the purpose of her proposed legislation is not to take away firearms from Kentuckians as she is a gun owner and supporter of the Second Amendment. However, she believes that gun violence is a pressing issue and the approach currently being utilized by the criminal justice system is insufficient.

Representative Herron intends to file legislation to establish an office of gun violence prevention within the Department of Public Health. It would have an Executive Director appointed by the Secretary with the Governor's approval. Its goal would be to collect

and disseminate data and make recommendations relating to gun violence intervention and prevention. The office's role would be similar to the Office of Drug Control Policy. Representative Herron believes that this office would likely be able to be funded through the Safer Communities Act passed by the United States Congress.

Dr. Brown provided statistics on firearms-related deaths in the U.S. and discussed a rise in homicides and suicides in Kentucky, as well as an increase in intimate partner violence-related homicides with a firearm among both males and females across the last five years.

Dr. Williams said that closing of public recreational spaces during the COVID-19 pandemic was coupled with serious negative health and violence outcomes. Additionally, 22 million firearms were purchased across the United States in 2020, a 64 percent increase from 2019. The leading cause of death for children 0-19 years of age in the U.S. is now firearm-related deaths, and firearms are the most common method of both homicide and suicide, and these issues disproportionately plague disadvantaged communities. She added that we currently do not have sufficient infrastructure in place to deal with gun violence prevention and that there are systemic factors that cause communities to be more vulnerable to gun violence. She said that there needs to be a coordinated body identifying and assessing gun violence and the risk factors associated with it in order to build community resilience.

Representative Heavrin commended Representative Herron for her advocacy on this issue.

In response to a question from Senator Neal, Dr. Brown stated that she would make data available to him.

In response to a question from Senator Neal, Representative Herron said that the goal of this office would be to both research and make recommendations. She added that this office would collect data on incidents involving both legal and illegal firearms, but that it is impossible to criminalize gun violence out of existence.

Senator Neal stated that discussion of policy solutions on gun violence often evaporates due to the fear of losing gun ownership. Representative Herron agreed and added that this legislation is in no way intended to take firearms from Kentuckians.

In response to a question from Representative Kulkarni, Representative Herron said that she wants Kentucky to be a leader in gun violence prevention, but she is unsure which states have implemented a similar office.

Senator Berg commented that public violence is a serious issue for constituents in her district. She stated that the proposed office has her full support, and that the data it would provide is needed to combat gun violence. She added that states with basic firearms regulations such as safe storage suffer fewer gun-related deaths. She said that the number of teenagers who have been admitted to emergency rooms for suicidal ideation in the U.S. in the last year has increased by 50 percent, and that Kentucky may be facing a significant increase in youth suicides with firearms.

In response to a question from Dr. Oleka, Dr.

Brown stated that data is kept on factors related to a suicide or homicide such as socioeconomic status and intent.

In response to a question from Dr. Oleka, Dr. Brown said that much of their data comes directly from death scene investigators and if the ownership and legality of the firearm is provided by law enforcement, then that data is kept.

In response to a question from Dr. Oleka, Dr. Brown said that there has been a significant increase in homicides since the COVID-19 pandemic began. Dr. Williams added that both the weapon of choice and the underlying factors need to be addressed in an approach to gun violence, and that policy needs to be informed by the data that would be collected by the proposed office.

In response to a question from Ms. Drake, Dr. Brown stated that there are many different societal factors that need to be linked to the data on gun-related deaths such as socioeconomic status and food security. Representative Herron added that the office would be focused on identifying the root causes of gun violence and would want to collaborate with schools, healthcare providers, and law enforcement.

In response to a question from Representative Heavrin, Dr. Brown stated that there is an escalation of gang activity contributing to increasing homicides with a firearm. Representative Heavrin added that suicide prevention is an issue that is deeply important to her.

#### **Fulton County Access to Healthcare**

Tracy Pulley, Director, Fulton Independent School District/Family Resource Youth Services Center presented to the commission on access to healthcare in Fulton County. She stated that Fulton County is 24 percent Black, only matched in terms of proportion of Black residents by Jefferson and Christian Counties.

Ms. Pulley stated that Fulton County is ranked in the top 16 poorest counties in the state, and is the only one of the top 16 not located in Appalachia. In addition, the latest County Health Rankings report listed Fulton County as 116 of 120 counties, dropping 17 places in a single year. She linked the high rate of poverty with poor health outcomes.

Ms. Pulley said that Fulton County used to be home to Parkway Hospital and an associated primary care clinic, Hillview Clinic, but that the hospital and clinic were purchased and closed by their new owners, making it extremely difficult for local residents to seek medical care. In addition, Fulton County has limited access to dental care. There are few dental care providers in the area, and even less access for families using Medicaid.

Ms. Pulley advocated for the General Assembly to initiate a pilot dental program in Fulton County to increase access to dental care for low-income families.

In response to a question from Senator Neal, Ms. Pulley stated that the Purchase District Health Department oversees the county health department in Fulton.

In response to a question from Dr. Oleka, Ms. Pulley stated that Fulton County is more significantly impacted by methamphetamines than opioids.

In response to a question from Dr. Oleka, Ms. Pulley said that regional agencies don't provide proper services to the community.

#### **Kentucky Demographics Update**

Dr. Matt Berry, Research Director, Kentucky Center for Statistics, presented to the commission on demographics in Kentucky. Dr. Berry examined demographic trends across racial and ethnic groups over time. He stated that Kentucky's white population has decreased, its non-white population has increased, K-12 enrollment for non-white students has increased, and the Black, Asian, and multi-racial workforce has increased.

Dr. Berry stated that Kentucky's youth population has grown more diverse along with the larger population. He added that postsecondary education enrollment has decreased, but degree completion has increased. He said that the labor force participation rate has remained essentially stable across all demographics.

Dr. Berry said that Kentucky K-12 students are far more likely to be non-white than their teachers. Students are 3.2 times more likely to be Black than their teachers, 8.6 times more likely to be Hispanic, and 51.4 times more likely to be two or more races.

Dr. Berry stated that median income has risen across all demographics, and Black Kentuckians have experienced the greatest increase. However, they still maintain the lowest average raw income. Kentucky's inmate population has decreased in terms of the raw numbers, and the Black inmate population has decreased by about 3 percent of the total inmate population.

In response to a question from Senator Givens, Dr. Berry said that the Kentucky Center for Statistics gathers data from agencies and partners across the state covering many issues such as childhood development and workforce participation.

In response to a question from Representative Timoney, Dr. Berry stated that the overall population of Kentucky has increased from about 4.3 million to 4.5 million.

Representative Heavrin acknowledged Dr. Oleka's resignation effective November 30, 2022, and thanked him for his service to the commission and the Commonwealth of Kentucky.

With there being no further business, the meeting was adjourned at 1:00 p.m.

### **INTERIM JOINT COMMITTEE ON STATE GOVERNMENT**

#### **Minutes of the 6th Meeting of the 2022 Interim**

November 15, 2022

#### **Call to Order and Roll Call**

The sixth meeting of the Interim Joint Committee on State Government was held on Tuesday, November 15, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Robby Mills, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Senator Robby Mills, Co-Chair; Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Christian McDaniel, Michael J. Nemes, Adrienne Southworth, Brandon J. Storm, Damon Thayer, and Phillip Wheeler; Representatives John Blanton, Adam Bowling, McKenzie Cantrell, Jennifer Decker, Jim Gooch Jr., Derrick Graham, Richard Heath, Samara Heavrin, Keturah Herron, Mary Beth Imes, Matthew Koch, Scott Lewis, Patti Minter, Kimberly Poore Moser, Jason Nemes, Tom Smith, James Tipton, Ken Upchurch, Russell Webber, and Buddy Wheatley.

Guests: Keith Jackson, Justice & Public Safety Cabinet; Nicolai Jilek and Kevin Rader, Department of Criminal Justice Training; Colonel Phillip Burnett, Jr., Kentucky State Police.

LRC Staff: Alisha Miller, Daniel Carter, Alaina Spence, and Peggy Sciantarelli.

#### **Audience Recognition**

Representative Wheatley recognized Dr. Doo Oak Kim, Director of the International Public Policy and Management Institute at the University of Kentucky, who was present with three participants of the institute.

#### **Approval of Minutes**

A motion by Representative Blanton to approve the minutes of the October 25 meeting was seconded and passed without objection by voice vote.

#### **Kentucky State Police – Overview From the Department**

Colonel Phillip Burnett, Jr., Commissioner of State Police, provided an overview of trends in trooper recruitment and retention, statewide crime rates, and fentanyl use. He stated that the pay increases granted to Kentucky State Police (KSP) in HB 259 (2022 RS) have placed KSP in the top five for starting pay for police officers in Kentucky. The legislature has also funded over \$107 million in capital projects for KSP.

Prior to enactment of HB 259, KSP ranked 74th in starting pay for police officers in Kentucky. The raises afforded by HB 259 helped offset retirement of troopers. In FY 2021, 21 retired, and 37 retired in FY 2022. There have been only two retirements in the current fiscal year. Four troopers have been reinstated after returning from the private sector or other police agencies. Through the Trooper "R" program, 65 retired KSP members have been reemployed, including 14 who returned since the first of the year. The number of sworn troopers has increased from 700 to 897, including the 65 from the Trooper "R" program and the 38 cadets who will graduate on Friday, November 18.

The recruitment staff has been increased to five personnel who focus only on recruiting. The focus of recruiting has been on areas with a high number of minorities and females. Applications have doubled within the past seven weeks. A new cadet class will start in February 2023, with the goal of enrolling 110 cadets—the most that can be accommodated in a cadet training class. There are approximately 350 applications, including 28 "elite" candidates who are already certified police officers in Kentucky. However,

recruiting has been more difficult for the posts in Dry Ridge, Campbellsburg, Mayfield, Madisonville, Morehead, and Ashland.

Commissioner Burnett stated that crime rates in Kentucky have trended overall with the national model. It is difficult to track “urban versus rural” because some agencies do not report to KSP’s reporting system. Those include Jefferson County’s LMPD, the Nelson County Sheriff’s office, the Winchester Police Department, the Daviess County Sheriff’s Office, and the city of Owensboro. In 2017, there were 282,000 Part-A (the most serious) crimes. There were 275,000 in 2018; 264,000 in 2019; 243,000 in 2020; and 242,000 in 2021. Through the end of September 2022, the number reported is 176,000. Overall, reported crimes have decreased in Kentucky, due in part to the efforts of programs like the Victims Advocate service, the Angel Initiative, and KSP’s community outreach programs—e.g., Shop With the Troopers, Cram the Cruiser, and Trooper Island.

KSP works closely with the U.S. Drug Enforcement Agency and other partners in Kentucky to combat the fentanyl problem. The KSP lab takes submissions from every police department in Kentucky. In 2012, there were 15 requests that included fentanyl. There were 4,177 in 2020; 5,806 in 2021; and through September 2022, there have been 3,900 submissions for fentanyl. In 2021, 1,562 of 2,250 drug overdose deaths can be attributed to fentanyl.

In response to a question from Senator McDaniel, Commissioner Burnett explained why KSP has not become more liberal in its guidelines regarding tattoo acceptance. He added that a work group has begun to look at the issue.

In response to Senator Nemes, Commissioner Burnett confirmed that the retirement-related benefits included in HB 259 will definitely be implemented for the current fiscal year.

Responding to Representative Bratcher, Commissioner Burnett stated that, based on current manpower, no troopers are dedicated to Fayette or Jefferson County at this time. However, KSP will conduct investigations and work in those counties if requested. The Elizabethtown post lends coverage to parts of Jefferson County.

Responding to questions from Representative Moser, Commissioner Burnett stated that KSP does some online training—but not a lot. KSP also utilizes online resources for cost-saving purposes and often interacts online with its partners at the Department of Criminal Justice Training. Regarding fentanyl, he said that KSP has little involvement with the use of fentanyl test strips, and he is not aware that they are viewed as drug paraphernalia. KSP supports the increased use of Narcan to counteract drug overdose. All troopers have it available to utilize if needed.

In response to Representative Herron, Commissioner Burnett explained that KSP views Owensboro, Jefferson County, Fayette County, and areas with a population over 50,000 as urban. The 40 officer-involved shootings covered by KSP this year may be a slight increase from previous years. KSP works with every law enforcement agency in Kentucky—and also with federal entities, except the FBI. When those investigations close they are

adjudicated through the court system, and KSP’s involvement would not necessarily continue.

In response to Representative Heavrin, Commissioner Burnett explained how the crime reporting system is organized in Kentucky and at the federal level.

Senator Harper Angel asked how many of the Part-A crimes mentioned in earlier testimony involved rape. Commissioner Burnett stated that he did not have those numbers with him but will get that information for her.

Responding to Senator Thayer, Commissioner Burnett stated that the level of pay is the main reason why some smaller posts like Dry Ridge in Grant County are having trouble recruiting new officers. Smaller departments that do not operate on the Commonwealth’s two-year budget cycle have more leeway in setting their budgets. They are able to tailor their pay to compete with KSP. The police department in Pikeville has given its officers a \$5/hour pay raise. Police departments in Berea and Richmond have also given pay raises. The Huntington, West Virginia, police department is offering a \$20,000 sign-on bonus.

### **Kentucky Department of Criminal Justice Training – Overview From the Department.**

Keith Jackson, Deputy Secretary of the Justice & Public Safety Cabinet, and Nicolai Jilek, Commissioner of the Department of Criminal Justice Training (DOCJT), presented an overview of the department. Kevin Rader, Assistant Director of DOCJT, accompanied them.

DOCJT serves more than 8,000 law enforcement officers across the Commonwealth at its Richmond facility. It offers basic and advanced training to law enforcement officers and telecommunicators. Critical training is also provided to security officers, coroners, and other state and federal law enforcement agencies. Training materials are overseen by the Kentucky Law Enforcement Council to meet professional standards as mandated by state statute. HB 565, enacted during the 2022 Regular Session, requires that 10 percent of basic training for police officers be given virtually and that 30 percent of annual in-service training be given virtually.

The 2022 state budget authorized more than \$28 million for a new multipurpose training facility to be built on the Richmond campus. The 2022 budget bill also included \$2.5 million for a site feasibility study for construction of an additional law enforcement western Kentucky training campus in Madisonville, and \$3,737,000 to raise the annual training stipend for law enforcement officers from \$4,000 to \$4,300.

The proposed program and facilities for the planned Madisonville campus are estimated to cost approximately \$150 million, not including an estimated \$7 million annually for operating cost. In July 2022, EOP Architects conducted a site study, at a cost of \$369,056. The Madisonville site was selected as the most suitable because it will accommodate all program requirements and allow for future growth of the campus. The current DOCJT Richmond campus is limited in growth opportunities.

Representative Nemes asked about a recent report of gang rapes and assaults at the Adair County juvenile facility. Mr. Jackson stated that the matter

is under investigation and that the administration is doing its best to implement policies and procedures to protect the children. Representative Nemes emphasized that steps need to be taken immediately to ensure that boys and girls are housed separately in the juvenile detention facilities.

In response to Representative Moser’s question concerning the status of the virtual training required by HB 565, Mr. Jilek stated that DOCJT is striving to offer the maximum number of virtual training options, with the goal to have full implementation by 2024. DOCJT’s new instructional design section has a primary duty to develop online training.

Representative Moser spoke favorably about DOCJT’s efforts to open an academy in western Kentucky. She also expressed hope that future training options will be available closer to the 1,000 law enforcement officers employed in the northern Kentucky area.

Representative Herron stated that in 2016, Gynnya McMillen, a young black juvenile, lost her life inside a Kentucky detention center. She believes that the reported Adair County incident is a reflection of the legislature’s failure to act, and she looks forward to helping develop solutions to protect the young people who are in the state’s care.

In response to Senator Mills, Mr. Jackson confirmed that DOCJT will be submitting a report on the western Kentucky site study to the General Assembly’s leadership. He and Mr. Jilek discussed the anticipated training schedule and the types of training that will be offered at the new facility.

Senator Mills, Representative Graham, and Representative Nemes acknowledged the contributions of the 10 members of the committee who will leave the General Assembly in January: Senators McGarvey and Schroder; and Representatives Miller, Cantrell, DuPlessis, Fischer, Flood, Minter, Scott, and Wheatley.

With no further business, the meeting was adjourned at 2:25 p.m.

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

### **Minutes of the 6th Meeting of the 2022 Interim**

November 17, 2022

#### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology was held on Thursday, November 17, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Kim King, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Representatives Kim King, Co-Chair, and Phillip Pratt, Co-Chair; Senators Rick Girdler, Robby Mills, Adrienne Southworth, Reginald Thomas, Phillip Wheeler, Mike Wilson, and David Yates; Representatives Shane Baker, Josh Branscum, George Brown Jr., Josh Calloway, Jeffery Donohue,

Ryan Dotson, Daniel Fister, Chris Freeland, Chris Fugate, Jim Gooch Jr., Richard Heath, Thomas Huff, Norma Kirk-McCormick, William Lawrence, Ruth Ann Palumbo, Josie Raymond, Brandon Reed, Ashley Tackett Laferty, Killian Timoney, Timmy Truett, Bill Wesley, and Richard White.

Guests: Daarik Gray, Executive Director, Harrodsburg-Mercer County Tourist Commission; Russ Meyer, Commissioner, Kentucky Department of Parks; Ron Vanover, Deputy Commissioner, Kentucky Department of Parks; and Colonel Chris Crockett, Director, Ranger Division, Kentucky Department of Parks.

LRC Staff: Janine Coy, Audrey Ernstberger, Crystal Thompson, and Sasche Allen.

### Approval of Minutes

A motion to approve the minutes of the October 27, 2022, meeting was made by Senator Wilson, seconded by Representative Truett, and approved by voice vote.

### Harrodsburg 250th Anniversary

Daarik Gray, Executive Director of the Harrodsburg-Mercer County Tourist Commission, presented the plans for the Harrodsburg 250th Anniversary celebration, an event designed to commemorate the Commonwealth's oldest city and generate economic development in the area. The festival will take place on June 13, 2024 to June 16, 2024 and will include historical reenactments, speeches, live music, kids' activities, and various types of vendors.

### Department of Parks Update

Russ Meyer, Commissioner of the Department of Parks, Ron Vanover, Deputy Commissioner of the Kentucky Department of Parks, and Colonel Chris Crockett, Director of the Ranger Division, discussed the Department's organizational structure and role in providing tornado and flood disaster relief in the eastern and western portions of the state. The Department provided 13,300 relief rooms and 4,815 first responder rooms across the state at various state parks for the Western Kentucky tornado relief. In addition, approximately 9,000 relief rooms were provided for flood victims in Eastern Kentucky.

Answering questions from Representative Branscum, Commissioner Meyer discussed the investment in Burnside Island and the much-needed renovations of numerous state parks and lodges. Some renovations and deferred maintenance will be completed with ARPA funds that have been allocated to the Tourism, Arts, and Heritage Cabinet.

Representative Fugate made statements regarding the limitations of state park rangers' authority and discussed the future of adventure tourism in the eastern part of the state.

Representative Tackett Laferty expressed her appreciation for the Department's role in the tornado and flood relief.

Replying to a question from Representative Heath, Commissioner Meyer stated that all individuals impacted by the Western Kentucky tornado outbreak that were utilizing state park facilities had transitioned out of lodges as of July 17, 2022.

Addressing a question from Senator Mills, the

Commissioner reiterated that the proposal for the use of ARPA funds will be presented to the Committee on Appropriations and Revenue. There will be reimbursement for relief rooms from the Federal Emergency Management Agency.

Responding to questions from Representative Baker, Deputy Commissioner Vanover said he would follow up with the committee with information regarding 2022 occupancy rates of state park resorts, but the Department has seen revenue and occupancy increase towards pre-Covid levels. Addressing follow up questions, the Deputy Commission confirmed that state park resorts and lodges that have been renovated have higher occupancy rates than those that have not been renovated.

Representative Raymond made comments about visiting state park resorts.

Answering a question from Senator Southworth, Colonel Crockett explained that although all park rangers are certified police officers and receive annual training from the Department of Criminal Justice Training and, the current jurisdiction is limited to state park property and roadways that transverse through state parks.

Representative Tackett Laferty made remarks regarding the 100th year of the parks system in the Commonwealth in 2024.

There being no further business before the committee, the meeting adjourned at 2:12 p.m.

## CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

Minutes  
November 17, 2022

### Call to Order and Roll Call

The November meeting of the Capital Projects and Bond Oversight Committee was held on Thursday, November 17, 2022, at 2:00 PM, in Room 169 of the Capitol Annex. Representative Chris Freeland, Chair, called the meeting to order and the secretary called the roll.

#### Present were:

Members: Representative Chris Freeland, Co-Chair; Senators Rick Girdler, Christian McDaniel, and Robin L. Webb; Representatives Keturah Herron, Jason Petrie, and Walker Thomas.

Guests: Janice Tomes, Deputy State Budget Director, Office of State Budget Director; Scott Aubrey, Director, Division of Real Properties, Department for Facilities and Support Services, Finance and Administration Cabinet; Sandy Williams, Executive Director, Kentucky Infrastructure Authority; and, Ryan Barrow, Executive Director, Office of Financial Management.

LRC Staff: Katherine Halloran, Spring Emerson, and Liz Hardy.

### Approval of Minutes

Representative Thomas moved to approve the October 27, 2022, meeting minutes, Representative Herron seconded the motion, and the committee approved without objection.

### Information Items

Ms. Halloran referenced five information items. Pursuant to KRS 45.760(5), the University of Kentucky reported two equipment purchases totaling approximately \$3.4 million: a \$3.3 million BD Kiestra work cell lab automation system purchased with restricted funds for use by UK HealthCare's clinical microbiology laboratory at UK Chandler Hospital and a \$349,000 Nikon Ti2 microscope and AXR confocal upgrade for use by the Markey Cancer Center at the Healthy Kentucky Research Building. The Ti2 and AXR upgrade were purchased with \$252,000 in federal funds, National Institute of General Medical Sciences grant, and \$97,000 in restricted funds. Pursuant to KRS 45.810(6), the Office of Financial Management submitted the Annual Report of Outstanding Debt on behalf of state entities and postsecondary institutions authorized to issue debt. Pursuant to KRS 45.812(1), three school districts, none of which needed an additional tax levy to pay debt service, reported upcoming debt issues for new projects through their fiscal agents. The school districts were Barren County, Campbell County, and Warren County. Pursuant to KRS 48.111(6)(a), the Division of Real Properties retransmitted its advertisement for Cabinet for Health and Family Services space in Bullitt County. The School Facilities Construction Commission (SFCC) reported fifteen school district debt issues with SFCC debt service participation from May through October. The issuance amount was approximately \$269 million for new projects, with ninety-five percent being locally supported debt service and five percent with SFCC debt service participation.

### Project Report from the Finance and Administration Cabinet

Ms. Tomes submitted three new projects requiring action and reported a research equipment purchase; two emergency repair, maintenance, or replacement projects; and four pool allocations.

Senator Girdler moved to roll three new projects into one roll call vote, Co-Chair Freeland seconded the motion, and the committee approved without objection.

The first new project was a \$500,000 UI Connect Mobile Vehicle Purchase for the Education and Labor Cabinet, Department of Workforce Development, Office of Unemployment Insurance (OUI). The purchase, funded with U.S. Department of Labor, Employment and Training Administration equity grant monies, will allow regular travel by OUI personnel to designated areas, assisting underserved communities and disaster recovery with all direct and related unemployment insurance services. The unit, equipped with a generator and computer lab for internet access, will act as a mobile career center for filing unemployment insurance claims and setting up identity verification, requesting bi-weekly benefit payments, completing eligibility reviews, resetting PINs, and changing payment methods as well as email and mailing addresses.

The next two were Tourism, Arts and Heritage Cabinet, Department of Fish and Wildlife Resources (KDFWR) projects; construction of two new buildings on KDFWR headquarters' campus, known as the Game Farm, at #1 Sportsman's Lake off U.S. 60 in



Frankfort. In addition to office space, the two buildings will include areas for equipment maintenance and storage as the current areas do not have enough space for equipment storage. The \$1,716,200 Lakes and Streams Branch Building project, funded with seventy-five percent U.S. Fish and Wildlife Dingell-Johnson Sport Fish Restoration Act federal monies and twenty-five percent agency/restricted Fish and Game funds, will be used to facilitate infrastructure development projects. The \$1,602,300 Critical Species Investigation Building project, funded with U.S. Fish and Wildlife Nonindigenous Aquatic Nuisance Prevention and Control Act monies, will be used to facilitate resource conservation activities. The Critical Species project is new and staff are currently in rented space with room for only one boat. The project has multiple boats with electronic equipment that need to be stored in dry areas.

Representative Thomas moved to approve the three new projects, Senator McDaniel seconded the motion, and the committee approved by unanimous roll call vote.

The \$250,000 Triple Quadrupole Liquid Chromatograph/Mass Spectrometer research equipment purchase was for the Energy and Environment Cabinet, Department of Environmental Protection (DEP) and funded with federal Environmental Protection Agency Performance Partnership Grant monies. DEP will use this certified preowned equipment to perform analysis on various soil and water samples; focusing on polyfluoroalkyl substance (PFAS) particulates, an emerging contaminant that can adversely affect human health.

The two Kentucky Community and Technical College System emergency repair, maintenance, or replacement projects were to restore buildings damaged in the July 2022 major flood event, with expenses reimbursable by state risk insurance proceeds. The \$3.1 million Emergency Building Repairs, Southeast Kentucky Community and Technical College project will restore Caudill Hall and the Belinda Mason Building in Whitesburg, flooded with between four to five feet of water. The \$7.5 million Emergency Building Repairs, Hazard Community and Technical College project will restore the School of Craft and the Knott County Opportunity Center in Hindman, flooded with between three and five and a half feet of water.

The first pool allocation was for the Department of Education, Operations and Support Services, \$4,693,500 Kentucky School for the Deaf HVAC project in Boyle County; funded from the bond-funded State Schools HVAC Pool - 2020-2022. The project will replace the original chiller in Kerr Hall with a new outdoor air-cooled chiller; install a new closed-circuit evaporative cooler in Brady Hall for the closed-loop water source heat pump system; and install two new HVAC roof top units on the Thomas Hall gymnasium and pool along with new electrical gear and a transformer to support the unit's electrical requirements. The Thomas Hall gymnasium and pool facility has no air conditioning and the unit will provide both heating and cooling to the building. The campus buildings are between thirty and fifty years old and the existing HVAC systems are the original, having undergone repairs over the years.

The next three allocations were for Tourism, Arts, and Heritage Cabinet, Department of Fish and Wildlife Resources projects, all of which were authorized by the U.S. Army Corps of Engineers and funded from the restricted funded Fees-In-Lieu-of Stream Mitigation Projects Pool. The \$4.9 million Steep Creek project in Boone County will restore and protect over 27,000 linear feet of stream in the Northern Kentucky Service Area. The \$6.7 million Broke Leg Creek project in Morgan County will restore and protect over 35,000 linear feet of stream in the Upper Licking River Service Area. The Mill Creek project in Jefferson County will restore and protect over 64,300 linear feet of stream in the Salt River Service Area.

In response to Senator McDaniel, Ms. Halloran said that further capital projects reporting after committee approval are reflected in the quarterly capital projects status reports and the annual capital projects reports. The annual capital projects reports, rather than the quarterly capital projects status reports, show the projects' budgetary status. However, due to the provisions of Part III., 27. of House Bill 1, the information technology projects' budgetary status is reflected in the comments section of the quarterly capital projects status reports. Senator McDaniel mentioned the unemployment insurance system replacement and the issues with the prior vendor.

#### **Lease Report from the Finance and Administration Cabinet**

Mr. Aubrey submitted a new Education and Labor Cabinet, Department of Workforce Development lease requiring action, and reported a Transportation Cabinet, Department of Highways emergency lease and an Education and Labor Cabinet, Department of Workers' Claims lease modification under \$50,000.

The Department of Workforce Development lease in Fayette County was to co-house thirteen staff members with the Bluegrass Area Development District; 4,053 square feet at \$28.36 per square foot for \$114,943 total annual cost through June 30, 2029.

Representative Thomas moved to approve the new lease; Senator McDaniel seconded the motion, and the committee approved by unanimous roll call vote.

The Department of Highways emergency month-to-month lease in Perry County was for the temporary use of approximately five acres to store brush and tree debris caused by the recent flooding in Eastern Kentucky at \$500 per acre per month. The Department of Workers' Claims lease modification changed the agency occupancy from the Cabinet for Health and Family Services and amortized \$49,999 in leasehold improvements through the June 30, 2028 lease expiration date. The space will consolidate the hearing site and the office space for Administrative Law Judges and support staff. For the leasehold improvements, the Division of Real Properties (DRP) received two estimates; \$55,729 from AreaLex Real Estate and \$74,468 from Elaine Allen and DRP selected the lower bid. The lessor agreed to absorb \$5,730 of the costs to expedite the Education and Labor Cabinet's occupancy since lease modifications of at least \$50,000 require committee approval.

#### **Report from the Office of Financial Management Kentucky Infrastructure Authority**

Ms. Williams submitted four Cleaner Water Program (CWP) Water Grant Reallocations (three County Pool and one Unserved Pool).

Senator McDaniel moved to roll the CWP water grant reallocations into one roll call vote, Senator Webb seconded the motion, and the committee approved without objection.

Ms. Williams said that except for a few remaining reallocation requests and the Lexington-Fayette Urban County Government consent decree project, all Round One Senate Bill 36 CWP grants have been submitted to the committee. The supplemental pool will most likely be additive to existing grants. Kentucky Infrastructure Authority (KIA) will start submitting Round Two House Bill 1 CWP grants, of which there are currently over 400, over the next several months. When all funds are allocated, KIA expects about 850 total grants from both rounds of funding.

Senator McDaniel moved to approve the four CWP water grant reallocations, Senator Webb seconded the motion, and the committee approved by unanimous roll call vote.

#### **Office of Financial Management - Previous Debt Issues**

Mr. Barrow reported three previous debt issues. The first was the \$235.49 million State Property and Buildings Commission Revenue Bonds, Project No. 127 Series A and Federally Taxable Series B; which financed \$255 million of general fund debt supported projects authorized in various appropriations bills. Over the last two weeks, rates have decreased by nearly half a percent, almost returning to September 16, 2022, levels when this debt issue priced. Rates are still over two percent above beginning of the year levels. The transaction was negotiated with Citigroup as the underwriter and a 4.1 percent true interest cost. The second was the \$75.61 million University of Kentucky General Receipts Refunding Bonds, 2022 Taxable Series D; a Cinderella structure in which the purchasing bank sets the taxable and tax-exempt rates with the debt converting from taxable to tax-exempt at a future date. The net present value savings was \$6.5 million, or 8.6 percent; the winning purchaser was Truist Bank; and the issue priced October 12, 2022, with a 3.4 percent true interest cost. The final was the \$47.48 million Kentucky Turnpike Authority Economic Development Road Revenue Bonds (Revitalization Projects), 2022 Series B; which financed the remaining \$50 million of Economic Development Road Revenue Bonds authorized in House Bill 3 of the 2010 Extraordinary Session. The issue priced on September 28, 2022, with a 4.35 percent true interest cost.

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

Mr. Barrow submitted seven school district debt issues with SFCC debt service participation. Senator McDaniel moved to roll the seven SFCC debt issues into one roll call vote, Co-Chair Freeland seconded the motion, and the committee approved without

objection.

The SFCC debt issues totaled \$131.33 million for new projects; 96 percent, \$126.03 million, with locally supported debt service and 4 percent, \$5.3 million, with SFCC debt service participation. The seven school districts were Bardstown Independent (Nelson County), Bullitt County, Garrard County, Grayson County, Hopkins County, Johnson County, and Walton-Verona Independent (Boone County). Bardstown Independent resubmitted due to a change in project scope and Johnson County's project, the first phase of the new high school construction, was the first since the district passed its second recallable nickel in 2019.

In response to Representative Petrie, Ms. Halloran said that Bardstown Independent resubmitted due to amended project specs and that the district itself was financing \$9.8 million instead of \$6.8 million. She also referenced the \$10 million Local Area Vocational Education Center grant for the project.

Senator McDaniel moved to approve the seven school district debt issues with SFCC debt service participation, Co-Chair Freeland seconded the motion, and the committee approved by unanimous roll call vote.

### **Adjournment**

The final calendar year 2022 meeting will be held on Thursday, December 15, at 2:00 PM in Room 131 of the Capitol Annex, with Senator Jason Howell, Chair, presiding. There being no further business, the meeting was adjourned at 2:26 PM.

## **ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE Minutes of the November Meeting November 9, 2022**

### **Call to Order and Roll Call**

The November meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, November 9, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Representative David Hale, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senator Ralph Alvarado; Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

Guests: Cassie Trueblood, Education Professional Standards Board; Jessica Beaubien, Kentucky Public Pensions Authority; Stephen Curley, Board of Physical Therapy; Mona Juett, Department of Tourism; Amy Barker, Department of Criminal Justice Training; Melvin Byne, Jon Johnson, Tony Youssefi, Office for Civil Rights and Small Business Development; Jon Johnson, Department of Highways; Todd Allen, Marty Park, Matt Ross, Department of Education; Lucretia Johnson, Oran McFarlan, Scott Wilhoit, Department of Workers' Claims; Abigail Gall, Department of Insurance; J.E.B. Pinney, Public Service Commission; Jonathan Scott, Office of Health Data and Analytics; Kara Daniel, Adam Mather, Office of Inspector

General; Jonathan Scott, Department for Medicaid Services; Victoria Elridge, Marnie Mountjoy, Phyllis Sosa, Department for Aging and Independent Living; and Laura Begin, Amanda Bolton, and Todd Trapp, Department for Community Based Services.

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

### **Administrative Regulations Reviewed by this Subcommittee:**

**EDUCATION AND LABOR CABINET:** Education Professional Standards Board: Alternative Routes to Certification

016 KAR 009:110. Expedited route to certification. Cassie Trueblood, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 10 to clarify various provisions and comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

A motion was made and seconded to approve the following amendments: to amend Section 3(1) to: require engagement with multiple student populations, including all of the listed populations represented in the student enrollment for the district where the candidate is completing the residency; and allow engagement opportunities to be offered outside of the district where the candidate is completing the residency. Without objection, and with agreement of the agency, the amendments were approved.

### **FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems: General Rules**

105 KAR 001:415E. Reimbursement of hospital and medical insurance premiums for Medicare eligible retired members reemployed with a participating employer. Jessica Beaubien, policy specialist, represented the systems.

A motion was made and seconded to approve the following amendments: to amend Section 1(7) to clarify the definition for "MEM." Without objection, and with agreement of the agency, the amendments were approved.

105 KAR 001:415. Reimbursement of hospital and medical insurance premiums for Medicare eligible retired members reemployed with a participating employer.

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 4, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; to amend Section

7 and incorporated Form 6260 to clarify who qualifies as a dependent child; and to amend Section 1(7) to clarify the definition for "MEM." Without objection, and with agreement of the agency, the amendments were approved.

### **BOARDS AND COMMISSIONS: Board of Physical Therapy**

201 KAR 022:053. Code of ethical standards and standards of practice for physical therapists and physical therapist assistants. Stephen Curley, executive director, represented the board.

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 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

### **TOURISM, ARTS AND HERITAGE CABINET: Department of Tourism**

300 KAR 001:021E. Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021. Mona Juett, deputy commissioner, represented the department.

### **JUSTICE AND PUBLIC SAFETY CABINET: Department of Criminal Justice Training: General Training Provision**

503 KAR 003:130E. Online basic and in-service training. Amy Barker, assistant general counsel, represented the department.

In response to a question by Representative Frazier Gordon, Ms. Barker stated that she did not have the exact number of individuals expected to complete online training, but she would follow up with that information.

### **TRANSPORTATION CABINET: Office for Civil Rights and Small Business Development: Office of Minority Affairs**

600 KAR 004:010. Certification of disadvantaged business enterprises. Melvin Byne, executive director; Jon Johnson, assistant general counsel; and Tony Youssefi, staff assistant, represented the cabinet.

A motion was made and seconded to approve the following amendments: to amend Section 1 to make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

### **Department of Highways: Traffic**

603 KAR 005:350. Off-highway vehicles, safety, and routes.

In response to a question by Co-Chair West, Mr. Johnson stated that this administrative regulation was developed in response to 2021 legislation.

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

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

702 KAR 007:125. Pupil attendance. Todd Allen, general counsel; Dr. Marty Park, chief digital officer; and Matt Ross, policy advisor, represented the department.

In response to questions by Co-Chair Hale, Mr. Allen stated that, previous to this version of this administrative regulation, there were agreements between school districts of attendance and districts of residence for students who attended out-of-district. These agreements were primarily for the purpose of SEEK fund calculations. Sometimes, disputes arose regarding these agreements, and this administrative regulation formerly established provisions to address those disputes. House Bill 563 from the 2020 Regular Session of the General Assembly eliminated the need for these agreements; therefore, because there was no longer a need for provisions to address agreement disputes, this administrative regulation was being amended to delete those provisions.

A motion was made and seconded to approve the following amendments: to amend Sections 12 and 16 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

704 KAR 003:535. Full-time enrolled online, virtual, and remote learning programs.

In response to questions by Co-Chair West, Mr. Allen stated that, for a minority of students, virtual learning was a better option. After a pilot study, the department developed a program for students who chose virtual learning. The program was voluntary, and no student would be required to opt for virtual learning. Dr. Park stated that districts requested a high-quality program for virtual learning for students who were better suited to this learning environment. Students were better suited to a virtual learning environment for various reasons, including health, social, emotional, and mental health reasons. A very small percentage of students had requested this virtual option.

In response to a question by Co-Chair Hale, Dr. Park stated that, while the department did not have exact numbers of participating students, it was probably less than two percent.

In response to a question by Representative Bridges, Dr. Park stated that this virtual program was not classified as alternative education, which had other specific requirements.

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 4, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**Office of Special Instructional Services**

705 KAR 004:041. Work-based learning program standards.

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

**Department of Workers' Claims**

803 KAR 025:089. Workers' Compensation medical fee schedule for physicians. Lucretia Johnson, deputy commissioner; Oran McFarlan, deputy general counsel; and Scott Wilhoit, 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 through 5 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 Insurance: Health Insurance Contracts**

806 KAR 017:531. Repeal of 806 KAR 17:350. Abigail Gall, executive advisor, represented the department.

**ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities**

807 KAR 005:001E. Rules of procedure. Jeb Pinney, executive advisor, represented the commission.

**CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Data and Analytics: Kentucky Health Benefit Exchange**

900 KAR 010:120. KHBE eligibility and enrollment in qualified health plan, SHOP, and SHOP formal resolution process. Jonathan Scott, regulatory and legislative advisor, represented the exchange.

A motion was made and seconded to approve the following amendments: to amend the RELATES

TO paragraph and Sections 1 through 3, 6, 7, 9, 11, and 13 to comply with the drafting and formatting requirements of KRS Chapter 13A; and to amend Section 5 to insert provisions concerning qualification for a Stand-Alone Dental Plan outside of the Qualified Health Plan enrollment period or a special enrollment period, as well as effective dates for those plans. Without objection, and with agreement of the agency, the amendments were approved.

**Office of Inspector General: Telehealth**

900 KAR 012:005. Telehealth terminology and requirements. Kara Daniel, deputy inspector general, and Adam Mather, inspector general, represented the office.

**Department for Medicaid Services**

907 KAR 001:008. Ambulatory surgical center services and reimbursement. Jonathan Scott, regulatory and legislative advisor, represented the department.

A motion was made and seconded to approve the following amendments: to amend Section 2 to: (a) clarify that bilateral procedures shall be reimbursed at 150 percent of the rate established by the administrative regulation instead of billed charges; (b) clarify that reimbursement for multiple endoscopy and multiple procedure discounting shall follow the Medicare rules as established by federal regulation and the federal processing manual; (c) clarify that reimbursement shall be limited to the lesser of billed charges or the amount established by the administrative regulation; (d) add federal cross references; and (e) include information on how to access the revised ASC fee schedule; to amend Section 3 to specify required forms; to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 3, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A; and to add a new Section 7 to incorporate by reference the required forms. Without objection, and with agreement of the agency, the amendments were approved.

**Kentucky Children's Health Insurance Program**

907 KAR 004:020. Kentucky Children's Health Insurance Program Medicaid Expansion Title XXI of the Social Security Act.

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.

907 KAR 004:030. Kentucky Children's Health Insurance Program Phase III Title XXI of the Social Security Act.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO

paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**Medicaid Eligibility**

907 KAR 020:020. Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals.

907 KAR 020:100. Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards.

**Department for Aging and Independent Living: Aging Services**

910 KAR 001:090. Personal care attendant program and assistance services. Victoria Elridge, commissioner; Marnie Mountjoy, division director; and Phyllis Sosa, regulation coordinator, represented the department.

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 4, 6 through 14, and 16 to comply with the drafting and for-matting requirements of KRS Chapter 13A; and to amend Sections 2 and 12 to clarify that reassessments shall be biennially, rather than annually, to align with KRS 205.905. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Division of Family Support: Child Welfare

922 KAR 001:300. Standards for child-caring facilities. Laura Begin, regulation coordinator; Amanda Bolton, legislative and regulatory liaison; and Todd Trapp, division director, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, and 4 through 8 to comply with the drafting and formatting 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, 2022, subcommittee agenda:

**STATE BOARD OF ELECTIONS: Electronic Voting Systems**

031 KAR 002:030E. E-Poll book product certification.

**PERSONNEL CABINET: Office of the Secretary**

101 KAR 002:210E. 2023 Plan year handbook for the Public Employee Health Insurance Program.

**FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems**

105 KAR 1:451E. Quasi-governmental employer reports on independent contractors and leased employees.

**KENTUCKY INFRASTRUCTURE AUTHORITY**

200 KAR 017:111E. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program.

200 KAR 017:111. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program.

**BOARDS AND COMMISSIONS: Board of Pharmacy**

201 KAR 002:380E. Board authorized protocols.

201 KAR 002:380. Board authorized protocols.

201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder.

**Board of Licensure for Long-Term Care Administrators**

201 KAR 006:060. Fees.

Board of Dentistry

201 KAR 008:520. Fees and fines.

Real Estate Commission

201 KAR 011:121. Standards of professional conduct.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education: Office of Learning Programs Development**

704 KAR 003:305. Minimum requirements for high school graduation.

**CABINET FOR HEALTH AND FAMILY SERVICES: Office of Human Resource Management: Administration**

900 KAR 001:050. Child and adult protection employees subject to state and national criminal background checks.

**Department for Public Health: Vital Statistics**

901 KAR 005:120. Abortion reporting.

901 KAR 005:130. Certificate of abortion.

901 KAR 005:140. Permit to transport fetal remains.

**Office of Inspector General: Health Services and Facilities**

902 KAR 020:365. Kentucky abortion-inducing drug certification program and registration of qualified physicians.

**Office of Inspector General**

906 KAR 001:210. Health care services agencies.

Department for Medicaid Services

907 KAR 001:065. Payments for price-based nursing facility services.

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services.

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

908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities.

**Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation**

921 KAR 002:006. Technical requirements for the Kentucky Transitional Assistance Program (KTAP). Laura Begin, regulation coordinator; Amanda Bolton, legislative and regulatory liaison; and Todd Trapp, division director, represented the department.

In response to questions by Co-Chair Hale, Ms. Begin stated that this package of administrative regulations would both increase the number of individuals eligible and the amount each recipient may receive. This program was geared toward individuals transitioning between jobs. As an individual reached the established income threshold, that individual would no longer be eligible. Funding was federal. Recipient levels had consistently been decreasing, even during the coronavirus (COVID-19) pandemic. Recipient amounts had not been updated since the 1990s.

In response to questions by Representative Frazier Gordon, Ms. Begin stated that maintenance of effort costs for the program were approximately \$70 million. The department used relative caregiver payments to meet that maintenance of effort, and that amount was not expected to change as a result of this package of administrative regulations. Currently, there were approximately 10,000 participating families, consisting of approximately 3,000 adults and 17,000 children. Non-parental caregivers, such as grandparents caring for grandchildren, could be recipients. Mr. Trapp stated that able-bodied recipients in the benefit group were considered work eligible. Non-parental caregivers were not considered work eligible. The department would follow up with the number of individuals in the program who were



work eligible. Representative Frazier Gordon stated that, while the program seemed important, she had concerns about the process of establishing policy through these administrative regulations.

In response to questions by Senator Alvarado, Mr. Begin stated that child support cooperation was a requirement for program eligibility. Individuals who were dealers in illegal substances were not eligible.

In response to questions by Co-Chair West, Mr. Trapp stated that recipients who had been deemed work eligible had a monthly activity requirement, such as education, training, or job seeking, which must be met to maintain eligibility. Recipients received, as necessary, transportation and supportive services, such as work attire. Information about the program was available on the department's website. Ms. Begin stated that community partners, community action groups, and case managers directed individuals toward the program as appropriate. Work grants were fully consumed, with any small remaining amounts rolled to the next year.

In response to questions by Representative Bridges, Ms. Begin stated that costs for maintenance of effort would not increase. The calculations for increasing recipient amounts varied based on each program. Mr. Trapp stated that work requirements applied to all work-eligible recipients. Representative Bridges stated that he had concerns. He wanted to ensure that these requirements did not conflict with House Bill 7 from the 2022 Regular Session of the General Assembly. These were substantial increases, regardless of if these were state or federal funds. It seemed that the agency waited until the deadline to file administrative regulations set to expire, which created a transparency issue. These requirements seemed more appropriate for statutes. Ms. Begin stated that the department did not find a conflict with House Bill 7 from the 2022 Regular Session of the General Assembly. No public comments were received during the public comment process; however, the agency was open to further suggestions. The department believed that it had statutory authority for these administrative regulations. The timing of this administrative regulation coming before the subcommittee was related to KRS Chapter 13A process requirements. Representative Bridges stated that this was a good program, but he had ongoing concerns. Agencies should be more current with increases, rather than making such significant increases after thirty years.

In response to a question by Representative Frazier Gordon, Ms. Begin stated that these administrative regulations could go into effect in December or January, but that would be determined by the Co-Chairs of the Interim Joint Committee on Health, Welfare, and Family Services.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 3, 5, 13, 15, and 16 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

In response to a question by Co-Chair Hale, Ms. Begin stated that the department would agree to defer 921 KAR 002:006, 002:016, 002:500, 002:510, and 002:520. Without objection, and with agreement of the agency, these administrative regulations were deferred to the December 2022 meeting of this subcommittee.

921 KAR 002:016. Standards of need and amount for the Kentucky Transitional Assistance Program (KTAP).

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, 3, 5, 8, and 12 to comply with the drafting requirements of KRS Chapter 13A; and to amend Section 2(1)(d)2.a. to reinstate that the age range for the eligible child shall be 16 through 18 years of age. Without objection, and with agreement of the agency, the amendments were approved.

921 KAR 002:500. Family Assistance Short Term (FAST).

921 KAR 002:510. Relocation Assistance Program (RAP).

921 KAR 002:520. Work Incentive (WIN).

#### **Child Welfare**

922 KAR 001:290. Background checks for private child-caring or child-placing staff members.

922 KAR 001:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.

The subcommittee adjourned at 2 p.m. The next meeting of this subcommittee was tentatively scheduled for December 13, 2022, at 1 p.m.

## **EDUCATION ASSESSMENT AND ACCOUNTABILITY REVIEW SUBCOMMITTEE**

### **Minutes**

November 1, 2022

#### **Call to Order and Roll Call**

The November meeting of the Education Assessment and Accountability Review Subcommittee was held on Tuesday, November 1, 2022, at 3:00 PM, in Room 131 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 Brandon Reed, Co-Chair; Senator Mike Wilson, and Representative Steve Riley.

Guests: Dr. Bart Liguori, Research Division Manager, Office of Education Accountability;

Dr. Deborah Nelson, Research Analyst, Office of Education Accountability; Chris Riley, Research Analyst, Office of Education Accountability; and Marcia Seiler, Deputy Director, Office of Education Accountability.

LRC Staff: Lauren Busch and Maurya Allen.

#### **Approval of Minutes**

Approval of minutes was tabled until next meeting due to lack of quorum.

#### **Office of Education Accountability – Credit Recovery in Kentucky**

Present to discuss the report regarding credit recovery in Kentucky were Dr. Bart Liguori, Research Division Manager, OEA; Dr. Deborah Nelson, Research Analyst, OEA; and Chris Riley, Research Analyst, OEA.

Dr. Nelson said there is no commonly accepted definition for credit recovery. It is commonly considered as an alternative to entire course retakes, as a means of enabling students who have failed classes to recover credits. Credit recovery accommodates students' schedules, adapts content to meet students' needs, and focuses on content mastery. Credit recovery practices vary among districts and schools. State and local policies are lacking and could serve to provide minimum standards. Data regarding credit recovery came primarily through site visits and an OEA survey, as the data available from the Kentucky Department of Education (KDE) was limited.

Students must earn 22 course credits, and beginning in 2023, students can receive a degree without acquiring 22 credits if they pass the GED®. Local school boards must establish performance-based credit recovery policies, but many have very basic policies that need to be further expanded upon to be useful. The KDE digital learning guidelines are phrased mostly as recommendations and do not clearly communicate best practices and do not serve as sufficient guardrails for digital credit recovery courses.

Mr. Riley discussed the OEA methodology of gathering data on a 2019 graduating cohort consisting of all first-time freshmen from 2016 through 2019 to capture four years of consistent data without interruption from the COVID pandemic. This allowed them to analyze the number of course failures compared to graduation rates. There was a strong negative correlation between these data points, and the impact was stronger for those who failed core courses. Credit recovery disproportionately impacts students in some schools, specifically those in schools with lower proficiency rates among incoming high school freshmen. While there were limitations to the data, it was apparent that students who recovered multiple credits typically did so using digital courses. As digital enrollments increase, percentages of free/reduced-price lunch students and minority students increase and graduation rates decrease.

Dr. Nelson said, in the absence of state-level credit recovery policies, there is great variation among schools in terms of eligibility for credit recovery, adjustment of course content, and supervision of assessments. Entry of credit recovery data onto transcripts also varies, which impacts students' GPA,

especially as it relates to the Kentucky Educational Excellence Scholarship (KEES). Survey respondents expressed concerns about test security and Dr. Nelson shared examples of those and other concerns. OEA made several recommendations regarding credit recovery polices. These can be found in the full report on the LRC website. The OEA report also includes recommendations for KDE regarding digital learning guidelines that would benefit all students, not just those utilizing digital learning for credit recovery.

OEA staff closed their presentation with additional comments from the survey respondents stressing that digital courses can be a great supplement to education, but the rigor and standards must be in place to uphold relevancy of credit recovery.

Chair Wise thanked the OEA staff for their research and echoed his desire to see an audit system to ensure the relevancy of digital courses. Representative Riley added his concerns about digital courses and stated how valuable in-person instruction is for quality education as was made evident during the pandemic.

#### **OEA 2023 Research Agenda**

Dr. Liguori gave a brief overview of the proposed 2023 OEA research agenda topics. Due to lack of quorum, the research agenda could not be approved by the subcommittee. Representative Reed made a motion for preliminary approval, seconded by Representative Riley. The full agenda will be reconsidered for a vote during the next regular meeting of the subcommittee.

#### **Approval of OEA – A Review of School Funding Adequacy**

Due to lack of quorum, approval of the report from the October 18, 2022, meeting was tabled until the next meeting.

#### **Adjournment**

With no further business to come before the committee the meeting adjourned at 3:45 p.m.

### **GOVERNMENT CONTRACT REVIEW COMMITTEE**

#### **Committee Minutes**

December 13, 2022

#### **Call to Order and Roll Call**

The Government Contract Review Committee met on Tuesday, December 13, 2022, at 9:00 AM, in Room 131 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

**Members:** Senator Stephen Meredith, Co-Chair; Representative Matthew Koch, Co-Chair; Senators Donald Douglas, and Adrienne Southworth; Representatives Adam Bowling, and Mark Hart.

**Guests:** Laura Hagan, Gary Valentine, Micah Hunsaker, Bryan Makinen, Steve Caudle, Angela Curry, Sally Molsberger, Dondra Meredith, Cora McNabb, Kathy Robinson, Kimberly Green, Daniel Boamah, Jennifer Breiwa Smith, Tammy Brown, Vivian Lasley-Bibbs, Andrew Yunt, Karen Wirth, Micki Ray, Thomas Woods Tucker, Christina Weeter,

Heather Bushelman, Van Ingram, Nathan Goens, Travis Weber, and Orlan McFarlan.

**LRC Staff:** Jarrod Schmidt and Kim Smith.

A motion was made by Representative Hart to approve Minutes of the November 2022, meeting of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Representative Koch to consider as reviewed the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Representative Bowling seconded the motion, which passed without objection.

A motion was made by Representative Koch to consider as reviewed the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Representative Bowling seconded the motion, which passed without objection.

A motion was made by Representative Koch to consider as reviewed the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Representative Bowling seconded the motion, which passed without objection.

A motion was made by Representative Koch to consider as reviewed the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Representative Bowling seconded the motion, which passed without objection.

A motion was made by Representative Koch to consider as reviewed the Correction List. Representative Bowling seconded the motion, which passed without objection.

#### **THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE REVIEWED WITHOUT OBJECTION:**

#### **BOARD OF VETERINARY EXAMINERS**

Lynette Dena Fitzpatrick, 2300001135.

#### **DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

Dr. Ted Pass II, 2300001155.

#### **DEPARTMENT OF HIGHWAYS**

HDR Engineering, Inc., 2300001267; Michael Baker International, Inc., 2300001343; GRW Engineers, Inc., 2300001408; Gresham Smith, 2300001410; Palmer Engineering Company, 2300001411; Prime AE Group, Inc., 2300001416; Palmer Engineering Company, 2300001420; QK4, Inc., 2300001421; HDR Engineering, Inc., 2300001422; Gresham Smith, 2300001423; WSP USA, Inc., 2300001424; Parsons Transportation Group, Inc., 2300001425.

#### **DEPARTMENT OF INSURANCE**

Renee Hanshaw Consulting, LLC, 2300001341; HBM Consulting Services, LLC, 2300001342.

#### **DEPARTMENT OF TRAVEL**

Multi, 2300000056.

#### **EASTERN KENTUCKY UNIVERSITY**

KFI Engineers, PC, 1689-2023.

#### **FACILITIES & SUPPORT SERVICES**

Shield Environmental, 2300001043; EOP Architects PSC, 2300001271; CMTA, Inc., 2300001347; CMTA, Inc., 2300001353.

#### **KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES**

Walther Gay & Mack, PLC, 2300001199.

#### **KENTUCKY STATE POLICE**

Benjamin Hall Wolcott, 2300001270; Jonathan Downs, 2300001305.

#### **KENTUCKY STATE UNIVERSITY**

Earth Tools Inc. d/b/a Apogee Climate & Energy Transitions, 23-015.

#### **MURRAY STATE UNIVERSITY**

Shelton Appraisal Services, 024-23.

#### **UNIVERSITY OF KENTUCKY**

Baxter Hodell Donnelly Preston, Inc. d/b/a BHDP Architecture, A231150; The Segal Company, K23-199; K&L Gates, LLP, K23-200.

#### **UNIVERSITY OF LOUISVILLE**

CMTA, 23-079; CMTA, 23-080.

#### **WESTERN KENTUCKY UNIVERSITY**

C2 Strategic Communications, LLC, 222343.

#### **THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:**

#### **BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES**

Multi, 2200000093.

#### **BOARD OF MEDICAL LICENSURE**

Multi, 2200000053.

#### **DEPARTMENT OF HIGHWAYS**

URS Corporation, 0700003365; URS Corporation, 1600000934; Integrated Engineering, 1600000938; Integrated Engineering, 1800000901; Stantec Consulting Services, Inc., 1800001566; HMB Engineers, Inc., 2000000715; Garver, LLC, 2000000841; Hanson Professional Services, Inc., 2000001395; HDR Engineering, Inc., 2100000659; Town Branch Tree Experts, Inc., 2100001180; H. W. Lochner, Inc., 2200001600; HMB Engineers, Inc., 2300001272.

#### **DEPARTMENT OF JUVENILE JUSTICE**

American Correctional Association, 2200002472.

#### **FACILITIES & SUPPORT SERVICES**

EOP Architects, PSC, 1900002963; Paladin, Inc., 2100000529; CMTA, Inc., 2100000607; EOP Architects PSC, 2100000950; Sherman Carter Barnhart Architects, PLLC, 2100001763; Architectural Investments, 2200001208; Vertical

Structures, Inc., 2200003355; Omni Architects, 2200003840.

**KENTUCKY FISH AND WILDLIFE RESOURCES**

Stantec Consulting Services, Inc., 14FW000625; Stantec Consulting Services, Inc., 18FW001103; Stantec Consulting Services, Inc., 19FW004505; Sustainable Streams, LLC, 20FW000076; Res Kentucky LLC d/b/a Redwing Ecological Services, 20FW000086.

**KENTUCKY STATE UNIVERSITY**

Johnson, Bowman, Branco, LLP, 23-01.

**MOREHEAD STATE UNIVERSITY**

Sturgill, Turner, Barker & Moloney, PLLC, 23-001.

**MURRAY STATE UNIVERSITY**

Multi, 001-23.

**NORTHERN KENTUCKY UNIVERSITY**

Sigma Systems, Inc., 2023-110; JH Associates, Inc. d/b/a Talent Acquisition Global Group, 2023-112.

**OFFICE OF THE CONTROLLER**

Dressman Benzinger Lavelle, PSC, 2200000072; Crown Services, Inc., 2200000118; Home Care Advantage, 2200000184; 22nd Century Technologies, Inc., 2200000186; Maxim Healthcare Services, Inc., 2200000187.

**TRANSPORTATION - OFFICE OF THE SECRETARY**

Schipper Enterprises, LLC, 2200003177; Balance Dynamics Motorcycle Training Center, Inc., 2200003178; Tim Cody, 2200003180; Elizabethtown Community and Technical College, 2200003181; Kentucky Driving School, 2200003183.

**UNIVERSITY OF LOUISVILLE**

JRA, Inc., 21-084; Witt/Kieffer, Inc., 23-001.

**THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:**

**BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES**

Freedom Bridge To Recovery II, Inc., 2300001120; Kentucky Housing Corporation, 2300001167; Shepherd’s House, Inc., 2300001192; Harbor House of Louisville, 2300001296.

**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**

Louisville & Jefferson MSD, 2300000196.

**DEPARTMENT FOR LOCAL GOVERNMENT**

Jackson County Fiscal Court, 23000000952; Louisville Jefferson County Metro Government, 2300001049; Morgan County Fiscal Court, 2300001104; City of Newport, 2300001168; Perry County Fiscal Court, 2300001210; Breathitt County Fiscal Court, 2300001216; Allen County-Scottsville

Industrial Development Authority, 2300001217; City of Shively, 2300001219; Louisville Jefferson County Metro Government, 2300001239; City of Prospect, 2300001253; Woodford County, 2300001304; United Methodist Mountain Missions In Kentucky, Inc., 2300001337; Ohio County Industrial Development Authority, Inc., 2300001344; Ohio County Industrial Development Authority, Inc., 2300001345; Pennyryle Area Development, 2300001354.

**DEPARTMENT FOR MEDICAID SERVICES**

Advancing States, Inc., 2300000693.

**DEPARTMENT FOR NATURAL RESOURCES**

University of Kentucky Research Foundation, 2300001297.

**DEPARTMENT FOR PUBLIC HEALTH**

Nelson County Community Clinic, Inc., 2300001032.

**DEPARTMENT OF AGRICULTURE**

Western Kentucky University, 2300000953; Kentucky 4-H Foundation, 2300001289; Kentucky FFA Foundation, 2300001290.

**DEPARTMENT OF EDUCATION**

Department for Public Health, 2200004799; Grant County Board of Education, 2300000144; Council On Postsecondary Education, 2300000146; Muhlenberg County Board of Education, 2300000158; Newport Independent School District, 2300000159; Bell County Board of Education, 2300000413; Berea Independent Board of Education, 2300000416; Boone County Board of Education, 2300000419; Williamstown Board of Education, 2300000439; Boyle County Board of Education, 2300000445; Butler County Board of Education, 2300000451; Webster County Board of Education, 2300000457; Washington County Board of Education, 2300000464; Carroll County Board of Education, 2300000481; Crittenden County Board of Education, 2300000490; Danville Independent School District, 2300000492; Somerset Independent School District, 2300000499; Estill County Board of Education, 2300000505; Floyd County Board of Education, 2300000507; Gallatin County Board of Education, 2300000518; Rockcastle County Board of Education, 2300000520; Hart County Board of Education, 2300000537; Pike County Board of Education, 2300000549; Oldham County Board of Education, 2300000582; Ohio County Board of Education, 2300000583; Morgan County Board of Education, 2300000593; Mercer County Board of Education, 2300000599; Knott County Board of Education, 2300000609; Harlan County Board of Education, 2300000678; Ohio Valley Educational Cooperative, 2300000719; Murray State University, 2300000774; University of Louisville Research Foundation, 2300000927; Kentucky Center for Education and Workforce Statistics, 2300001011; University of Kentucky Research Foundation, 2300001020; Bullitt County Board of Education, 2300001069; Harlan County Board of Education, 2300001075; Pike County Board of Education, 2300001081; Bullitt County Board of Education, 2300001085; Campbell County Board

of Education, 2300001086; Covington Independent School District, 2300001087; Dayton Independent School District, 2300001088; Eminence Independent Board of Education, 2300001089; Fayette County Board of Education, 2300001090; Jefferson County Board of Education, 2300001091; Newport Independent School District, 2300001093; Whitley County Board of Education, 2300001095; Human Resources Research Organization, 2300001149; Ohio Valley Educational Cooperative, 2300001156; Bourbon County Board of Education, 2300001245; Casey County Board of Education, 2300001246; Perry County Board of Education, 2300001251; Scott County Board of Education, 2300001254; Knowledgeworks Foundation, 2300001265; Warren County Board of Education, 2300001334.

**DEPARTMENT OF MILITARY AFFAIRS**

University of Louisville Research Foundation, 2300000498.

**DEPARTMENT OF TRAVEL**

Multi, 2300000015; Multi, 2300000021; Multi, 2300000022; Multi, 2300000027; Multi, 2300000028; Multi, 2300000031; Multi, 2300000032; Multi, 2300000033; Multi, 2300000034; Multi, 2300000043; Multi, 2300000045; Multi, 2300000046; Multi, 2300000047; Multi, 2300000048; Multi, 2300000049; Multi, 2300000050; Multi, 2300000051; Multi, 2300000052.

**DEPARTMENT OF WORKPLACE STANDARDS**

University of Kentucky, 2300001169.

**ECON DEV - OFFICE OF THE SECRETARY**

Kenton County Fiscal Court, 2300001333.

**JUSTICE - OFFICE OF THE SECRETARY**

University of Louisville, 2300000664.

**TOURISM - OFFICE OF THE SECRETARY**

The Kentucky Science Center, Inc., 2300001026; Kentucky 4-H Foundation, 2300001099; Louisville Arena Authority, Inc., 2300001151.

**TRANSPORTATION - OFFICE OF THE SECRETARY**

Commonwealth Office of Technology, 2300001283.

**THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:**

**BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES**

New Beginnings Bluegrass, Inc., 2200001750; The Dry Dock Club, Inc., 2200002047; Mental Health Association of Kentucky, Inc., 2200002172; Western Kentucky Regional Mental Health & Retardation Advisory Board, 2200003472; Green River Regional MHMR Board, Inc., 2200003474; Lifeskills, Inc., 2200003476; Communicare, Inc., 2200003479; Seven Counties Services, Inc., 2200003481; Northkey Community Care, 2200003482; Comprehend, Inc., 2200003483; Pathways, Inc.,

2200003486; Mountain Comprehensive Care Center, 2200003487; Kentucky River Community Care, Inc., 2200003488; Cumberland River Behavioral Health, Inc., 2200003489; Lake Cumberland Mental Health Mental Retardation Board d/b/a The Adanta Group, 2200003490; New Vista of the Bluegrass, Inc., 2200003491.

#### **CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING**

Multi, 2200000019.

#### **COUNCIL ON POSTSECONDARY EDUCATION**

Bowling Green Independent School District, 2200001438; University of Louisville Research Foundation, 2200002339.

#### **DEPARTMENT FOR COMMUNITY BASED SERVICES**

Northern Kentucky Area Development District, 2200001791; Kentucky Association of Sexual Assault Programs, 2200002195; Appalachian Early Childhood Network, Inc., 2200002561; Murray State University, 2200002783; University of Kentucky Research Foundation, 2200002801; Kentucky Youth Advocates, Inc., 2200003087; University of Kentucky Research Foundation, 2200003214.

#### **DEPARTMENT FOR FAMILY RESOURCE CENTERS & VOLUNTEER SERVICES**

Multi, 2200000027.

#### **DEPARTMENT FOR PUBLIC HEALTH**

Multi, 2200000043; Kentucky Department of Corrections, 2200001434; University of Kentucky Research Foundation, 2200001508; University of Kentucky Research Foundation, 2200001588; University of Kentucky Research Foundation, 2200001654; Matthew 25 Aids Services, Inc., 2200002618; University of Kentucky Research Foundation, 2200003819.

#### **DEPARTMENT OF AGRICULTURE**

Multi, 2100001484.

#### **TRANSPORTATION - OFFICE OF THE SECRETARY**

Elizabethtown Community and Technical College, 2200002404.

#### **THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:**

#### **DEPARTMENT OF HIGHWAYS**

HNTB Corporation, 2300001362. Laura Hagan and Gary Valentine discussed the contract with the committee. A motion was made by Representative Koch to consider the contract as reviewed. Senator Douglas seconded the motion, which passed.

#### **EASTERN KENTUCKY UNIVERSITY**

DW Wilburn, Inc., 1682-2023. Micah Hunsaker, Bryan Makinen, and Steve Caudle discussed the contract with the committee. A motion was made by Representative Koch to consider the contract as

reviewed. Representative Bowling seconded the motion, which passed.

#### **UNIVERSITY OF LOUISVILLE**

Boehl, Stopher & Graves, LLP, 23-078. Angela Curry and Sally Molsberger discussed the contract with the committee. A motion was made by Senator Southworth to consider the contract as reviewed. Representative Hart seconded the motion, which passed.

#### **THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:**

#### **EASTERN KENTUCKY UNIVERSITY**

Omni Architects, 1504-2022. Micah Hunsaker, Steve Caudle, and Bryan Makinen discussed the contract with the committee. A motion was made by Representative Koch to consider the contract as reviewed. Senator Douglas seconded the motion, which passed.

#### **OFFICE OF THE CONTROLLER**

Tryfacta, Inc., 2200000188. Dondra Meredith, Cora McNabb, and Kathy Robinson discussed the contract with the committee. A motion was made by Senator Southworth to consider the contract as reviewed. Representative Koch seconded the motion, which passed with Representative Hart and Senator Meredith voting no.

#### **WESTERN KENTUCKY UNIVERSITY**

Launchvox, Inc., 222334. Kimberly Green, Daniel Boamah, and Jennifer Breiwa Smith discussed the contract with the committee. A motion was made by Senator Southworth to consider the contract as reviewed. Representative Bowling seconded the motion, which passed with Representative Hart and Senator Meredith voting no.

#### **THE FOLLOWING MEMORANDA OF AGREEMENTS WERE SELECTED FOR FURTHER REVIEW:**

#### **ADMINISTRATIVE OFFICE OF THE COURTS**

Communicare, Inc., 2300001367; Lake Cumberland Mental Health Mental Retardation Board d/b/a The Adanta Group, 2300001374; Northkey Community Care, 2300001377; Transitions, Inc. d/b/a Womens Residential, 2300001378. Tammy Brown discussed the contracts with the committee. A motion was made by Representative Koch to consider the contracts as reviewed. Senator Douglas seconded the motion, which passed.

#### **DEPARTMENT FOR PUBLIC HEALTH**

Kentucky Rural Health Associates, 2300001141. Vivian Lasley-Bibbs and Andrew Yunt discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Senator Douglas seconded the motion, which passed with Senator Southworth and Senator Meredith voting no.

#### **DEPARTMENT OF EDUCATION**

University of Florida, 2300000338. Karen Wirth, Micki Ray, and Thomas Woods Tucker discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Representative Koch seconded the motion, with Senator Douglas, Senator Southworth, and Senator Meredith voting no. Contract moves forward as reviewed.

#### **DEPARTMENT OF EDUCATION**

University of Kentucky Research Foundation, 2300001194. Karen Wirth, Christina Weeter, and Thomas Woods Tucker discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Representative Koch seconded the motion, with Senator Douglas, Senator Southworth, and Senator Meredith voting no. Contract moves forward as reviewed.

#### **JUSTICE - OFFICE OF THE SECRETARY**

University of Kentucky Research Foundation, 2300001285. Van Ingram and Nathan Goens discussed the contract with the committee. A motion was made by Representative Bowling to consider the contract as reviewed. Representative Hart seconded the motion, which passed.

#### **THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:**

#### **DEPARTMENT FOR LOCAL GOVERNMENT**

Fleming County, 2200001546; Pike County Fiscal Court, 2200003858. Travis Weber discussed the contracts with the committee. A motion was made by Representative Koch to consider the contracts as reviewed. Representative Hart seconded the motion, which passed.

#### **DEPARTMENT FOR WORKFORCE INVESTMENT**

Child Care Council of Kentucky, 2200004762. Oran McFarlan discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Representative Koch seconded the motion, which passed.

#### **THE FOLLOWING MEMORANDA OF AGREEMENTS FOR \$50K AND UNDER WERE SELECTED FOR FURTHER REVIEW:**

#### **ADMINISTRATIVE OFFICE OF THE COURTS**

Morehead State University, 2300001372; Morehead State University, 2300001373; Morehead State University, 2300001375; Morehead State University, 2300001376; Mountain Comprehensive Care Center, 2300001380. Tammy Brown discussed the contracts with the committee. A motion was made by Representative Hart to consider the contracts as reviewed. Representative Bowling seconded the motion, which passed.

#### **DEPARTMENT OF EDUCATION**

Jefferson County Board of Education, 2300000313. Karen Wirth, Thomas Woods Tucker,



and Heather Bushelman discussed the contract with the committee. No motion was made, contract moves forward.

## EXEMPTION REQUESTS:

### ENERGY AND ENVIRONMENT CABINET:

The Division of Forestry requested an exemption from Committee Policy Statement #99-4 which prohibits contracts and agreements from extending beyond the current biennium for the Forest Stewardship, Publicity and Training Grant. A motion was made by Representative Koch to grant the request to September 30, 2025. Representative Hart seconded the motion, which passed without objection.

### DEPARTMENT OF TOURISM:

The Department of Tourism, Tourism, Arts and Heritage Cabinet requested an exemption from Committee Policy Statement #99-4 which prohibits contracts and agreements from extending beyond the current biennium for the disbursement of funds appropriated from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to be distributed to the tourism commissions for attracting meetings and conventions. A motion was made by Representative Koch to grant the request to December 31, 2026. Representative Hart seconded the motion, which passed without objection.

### KENTUCKY DEPARTMENT OF AGRICULTURE:

The Kentucky Department of Agriculture requested an exemption from Committee Policy Statement #99-4 which prohibits contracts and agreements from extending beyond the current biennium in order to execute the Kentucky Proud Buy Local Program and the Kentucky Proud Promotional Grant Program. A motion was made by Representative Koch to grant the request to December 31, 2023. Representative Hart seconded the motion, which passed without objection.

There being no further business, the meeting adjourned at 10:41 AM.

## MEDICAID OVERSIGHT AND ADVISORY COMMITTEE

### Minutes of the 1st Meeting of the 2022 Interim

November 10, 2022

#### Call to Order and Roll Call

The Medicaid Oversight and Advisory Committee meeting was held on Thursday, November 10, 2022, at 10:00 AM, in Room 131 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

#### Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Daniel Elliott, Co-Chair; Senators Ralph Alvarado, Danny Carroll, and Jimmy Higdon; Representatives Jim Gooch Jr., Melinda Gibbons Prunty, and Lisa Willner.

Guest Legislators: Representative Kimberly

Poore Moser.

Guests: Eric Friedlander, Cabinet Secretary, Cabinet for Health and Family Services; Amy Staed, Executive Director, Kentucky Association of Private Providers; Lisa Lee, Commissioner, Department of Medicaid Services, Cabinet for Health and Family Services; Paige Mankovich, Market Head; Jennifer Nachreiner, Health Services Officer; and Kelly Pullen, Head KY SKY Program, AETNA Better Health of KY.

LRC Staff: Chris Joffrion, Logan Bush, and DJ Burns.

#### Approval of Minutes

A motion to approve the October 13, 2002, minutes was made by Senator Meredith, seconded by Representative Gibbons-Prunty, and approved by a voice vote

#### Inspection of Residential Care Facilities

Eric Friedlander, Cabinet Secretary, Cabinet for Health and Family Services, discussed the inspection process for residential care facilities.

In response to questions and comments from Representative Elliott, Secretary Friedlander stated that residential care facilities are immediately inspected on complaints, but it can be up to three years between regularly scheduled inspections, due to staff shortages. He stated that inspection guidelines differ from state to state.

In response to questions and comments from Senator Carroll, Secretary Friedlander stated that one of the most serious infractions a provider can make is to not report incidents to the cabinet.

In response to questions and comments from Senator Higdon, Secretary Friedlander stated that providers are required by federal standards to treat patients and make them medically stable before being discharged and if the provider fails to comply with those standards, complaints should be sent to the cabinet.

In response to questions and comments from Representative Moser, Secretary Friedlander stated that 70–80 percent of the patients discharged to independent living facilities are followed up on by the cabinet with monthly visits.

In response to questions and comments from Representative Gibbons-Prunty, Secretary Friedlander stated that the regular inspections could take up to three years.

Amy Staed, Executive Director, Kentucky Association of Private Providers, discussed the inspections of residential care facilities and the Kentucky Association of Private Providers opinion on 23RS BR69.

In response to questions and comments from Representative Elliott, Ms. Staed stated that any system can be improved but the current system for inspections is the best it has ever been. She stated there are several avenues for complaints to be made.

In response to questions and comments from Senator Meredith, Ms. Staed stated that in her opinion the incidents described by Ms. Slusser were due to her son needing exceptional support and that the facility he was in was not equipped to provide that level of care. She stated there is currently a gap in the system for those patients with exceptional needs.

In response to questions and comments from Senator Higdon, Ms. Staed stated that the current rate is approximately \$184 a day per patient for residential facilities. She stated that SSI mandates that residents pay their fair share or their income could be taken away. Facilities charge conservative rent to ensure residents retain a good portion of their income for other expenses not related to care or life support. Secretary Friedlander stated that Medicaid is prohibited from paying for room and board expenses.

#### Cabinet for Health and Family Services Update on the Basic Health Program: What is it and what is the status of development?

Eric Friedlander discussed 21RS HJR 57. Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, discussed the basic health program, steps taken toward the development of a basic health program, and the costs associated with implementing it.

In response to questions and comments from Representative Moser, Secretary Friedlander stated that the cabinet has worked with Kentucky Center for Statistics and the Georgia Center for Opportunities to develop a benefits cliff calculator. He stated that working around the Advanced Premium Tax Credit has proven to be a challenge. Commissioner Lee stated that a trust fund would need to be established for funds to be held in.

In response to questions and comments from Senator Meredith, Secretary Friedlander stated that the reimbursement rate was set at 110 percent to be above Medicaid and approach the average commercial rate.

#### Medicaid Budget Update

Eric Friedlander discussed the total number of individuals enrolled in Kentucky Medicaid, future appropriations needed, public health emergency related changes, and Medicaid benefit budget. Lisa Lee discussed waiver expenditures, expansions of hearing, vision, and dental benefits for adult Medicaid members, and the transition of members with third party liability to the fee-for-service population.

In response to questions and comments from Representative Elliott, Secretary Friedlander stated that the enhanced Federal Medicaid assistance percentage has been extended until January 2023.

In response to questions and comments from Senator Meredith, Commissioner Lee stated that she couldn't answer if Medicaid payments are adequate without an in-depth rate study. Secretary Friedlander stated that Medicaid covers waiver services that no other carrier covers. He stated the state does not require MCO's to also provide commercial services to the public.

In response to questions and comments from Senator Alvarado, Secretary Friedlander stated that priorities of the extra funding are for dental care and providing adequate reimbursements for providers.

In response to questions and comments from Representative Willner, Secretary Friedlander stated that telehealth and other changes that were made during the pandemic have been very successful especially in rural areas. He stated that the cabinet is looking into non-emergency medical transportation to assist members. Commissioner Lee stated that only

seven percent of the Medicaid members that can work are not working at the national level.

In response to questions and comments from Representative Elliott, Secretary Friedlander stated that as of now the PHE is scheduled to be ended in January. He stated that any general fund dollars taken out of the budget this year will have to be put back next year. He stated the enhanced funding from the extended PHE is approximately 50 million a month.

#### **Medicaid Managed Care Organizations' Efforts to Improve Health Outcomes, Network Adequacy, and Access to Care – Part 6**

Paige Mankovich, Market Head, Aetna Better Health of KY, discussed network adequacy, the effectiveness and efficacy of substance abuse treatment programs, and strategies for addressing the critical financial position of rural healthcare providers. Jennifer Nachreiner, Health Services Officer, Aetna Better Health of KY, discussed initiatives to improve the health of the Medicaid population, effectiveness and efficacy of substance abuse treatment programs, and strategies for enduring healthcare delivery equity. Kelly Pullen, Head KY SKY Program, Aetna Better Health of KY, discussed the KY SKY Program.

#### **Adjournment**

There being no further business, the meeting was adjourned at 12:33 PM.

## **LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE**

### **Minutes of the 6th Meeting of the 2022 Interim**

November 10, 2022

#### **Call to Order and Roll Call**

The 6th meeting of the Legislative Oversight & Investigations Committee was held on Thursday, November 10, 2022, at 1:00 PM, in Room 129 of the Capitol Annex. Representative Jason Nemes, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

**Members:** Representative Jason Nemes, Co-Chair, Senator Danny Carroll, Co-Chair (remote); Senators Morgan McGarvey, Michael J. Nemes, Wil Schroder, Brandon Storm, and Max Wise; Representatives John Blanton, Ken Fleming, Steve Riley, Scott Sharp, and Lyn Bechler, Vice-Chair.

**Guests:** Steve Shannon, Executive Director, Association of Regional Programs, Inc.; Rebecca A. Norton, Executive Director, Kentucky Justice and Public Safety Cabinet, Office of Financial Management Services; Michael G. Adams, Secretary of State; Jennifer Scutchfield, Assistant Secretary of State; Karen Sellers, Executive Director, Kentucky State Board of Elections; Richard House, Assistant Executive Director, Kentucky State Board of Elections; Taylor Brown, General Counsel, Kentucky State Board of Elections; and Jason Denny, President, Kentucky County Clerk's Association.

**LRC Staff:** Gerald W. Hoppmann, Committee

Staff Administrator; Committee Analysts Chris Hall, Joel Thomas, Ryan Brown, Taylor Johnston, Jeremy Skinner, Shane Stevens, William Spears, McKenzie Ballard; Jacob Blevins, and Jennifer Luttrell, Committee Assistant.

#### **Minutes for October 13, 2022**

Upon motion by Senator Nemes and a second by Representative Sharp, the October 13, 2022, meeting minutes were approved without objection.

Co-Chair Nemes announced that, in addition to its statutory obligations, the committee is looking into: 1) K-12 selection of textbooks and instructional materials, 2) procurement processes related to asphalt contracts, 3) processes regarding the emergency removal of children from their parents, and 4) recent incidents at the Jefferson Regional Juvenile Detention Center and other juvenile detention centers.

#### **Staff Report: Kentucky Child Fatality And Near Fatality External Review Panel (2022 Update)**

Committee Analysts Jeremy Skinner and Jacob Blevins presented the staff report "Kentucky Child Fatality And Near Fatality External Review Panel 2022 Update," which provided a background of the panel and discussed the methods, findings, and recommendations of the report. Staff's full presentation is available on the Legislative Oversight and Investigations Committee Webpage.

Co-Chair Nemes noted that last year's review of the panel was rather alarming and lead to legislation being passed (SB 97/2022 Regular Session), which addressed many of the identified concerns. He asked whether those problems had now been fixed one year later. Mr. Skinner responded that most of the problems identified in the 2021 report had either been addressed or are in the process of being addressed. Responding to the same question from Co-Chair Nemes, Mr. Shannon stated that the legislation added needed structure to the panel's reporting process by requiring agencies to either take action on panel recommendations or to explain why actions were not taken.

Turning to the current study, Mr. Shannon said that the panel has been very responsive to the report and agreed with staff's findings and recommendations. He noted that operationalizing some recommendations may be difficult. For example, he noted that panel members volunteer their time to meet monthly and that forming workgroups outside of these meetings would be challenging, but the panel will try to figure this out. The panel is also eager to work with the Kentucky Board of Medical Licensure. He stated that the Justice and Public Safety Cabinet will begin providing panel members quarterly updates on budgeting and staffing, since this information is important to panel members. He noted that the panel is working on hiring an epidemiologist to assist in the panel's analysis of cases. He added that the panel has worked with the Department for Community Based Services to add the use of Naloxone as an indicator of a near fatality and is currently working on a definition of torture.

Co-Chair Nemes asked what things still need to be addressed and what the General Assembly can do to help. Mr. Shannon said that staffing may become a problem as the number of cases increase. He noted

that the panel in the past reviewed about 20 cases each quarterly meeting; they now review 20 cases each month. The panel spends about eight to nine minutes on each case, according to Mr. Shannon.

Responding to Co-Chair Nemes' request to explain to the general public why the panel exists and the importance of the work it does, Mr. Shannon said the panel reviews cases where children have been maltreated, sometime resulting in death, to ascertain why it happened and how such instances can be avoided in the future. For example, Mr. Shannon noted that the panel has brought to light the real dangers of unsafe sleep habits and has brought to the forefront the impact of drug abuse in homes with children.

Upon a motion by Representative Blanton and a second by Representative Sharp the committee report was adopted without objection (roll-call vote).

#### **Committee Testimony (not related to assigned study topics)**

#### **State Election Process**

Co-Chair Nemes called Secretary of State Michael G. Adams and Assistant Secretary of State Jennifer Scutchfield to the table.

Secretary Adams opened his remarks by stating that the November 2022 election was successful and he thanked the general assembly for its role in fully funding the election, expanding voter access, and further tightening election security. He noted, however, that numerous things put a real strain on Kentucky's election infrastructure, including: 1) county clerk's offices being besieged with labor-intensive open records requests only a few short months before the November 2022 election, which he believed were strategically aimed at disrupting preparations for the general election; 2) law suits filed by candidates who had lost the primary election by a wide margin; and 3) nine county clerks who quit prior to their terms expiring. Secretary Adams continued by stating despite their attempts, the malefactors who spread misinformation were debunked by election officials and rebuked by voters; adding that high voter turnout is a reflection of the people's confidence in our election laws and officials.

Turning to a discussion about what can be learned from the November 2022 general election, Secretary Adams stated that early voting works and does not appear to be a partisan issue, with more than 250,000 voters taking advantage of this option in relative proportion to the partisan affiliation of Kentucky voters. He said that early voting works, but also noted that it did not seem to have reduced long lines on election day, with more than four times as many voters voting than those who voted during the three early voting days combined. However, he mentioned that the voter lines would have been much longer had it not been for the three days of early voting. He concluded that in order to reduce lines, the state needs more voting locations, not more voting days. He said this can be accomplished by either granting counties the flexibility to consolidate voting locations with approval by the Governor and Secretary of State or by passing a statutory formula for determining the minimum number of voting locations needed per county. He mentioned that he is neutral regarding

which approach is used to reduce long lines. Finally, he stated that recount abuse must stop, which may include addressing a loophole in the newly passed recount law, in order to prevent frivolous lawsuits.

Secretary Adams concluded his opening remarks by stating that none of the losing candidates in Kentucky's November 2022 general election are falsely alleging suppression, nor are voters calling into question the security of Kentucky's election process. He believes this reflects citizen's confidence in our voting system.

While Karen Sellers, executive director, Richard House, assistant executive director, and Taylor Brown, general counsel of the state board of elections approached the testimony table, Co-Chair Nemes played a video showing a long line of people, including elderly people in wheelchairs, waiting to vote at South Oldham County Middle School. He commented that such lines are completely unacceptable and effectively amounts to voter suppression. He added that long lines caused voters to leave and noted that he and the Speaker of the House contacted the Secretary of State's office before the election and asked them to reject Oldham County's plan. He stated that the secretary took the plan before the state board of elections and they did not reject the plan.

Responding to Co-Chair Nemes' question about how to ensure such suppression does not happen again, Ms. Sellers said that her office had reached out to all 120 counties to ensure that clerks were prepared for higher turnout, but that all plans were approved. She said that the lines that had unexpectedly occurred would be taken into account in future plans. Mr. House added that the state board of elections would be working with county clerk offices to review the plans again and to search for ways to implement better training for poll workers to better manage larger voter groups.

When asked by Representative Fleming why no state board of elections members were present at the meeting, Ms. Sellers said that she did not realize the committee wanted board members to attend, but could have invited one. Representative Fleming then asked why the board had rejected requests by elected officials to increase the number of voting locations, to which Mr. Brown responded that the board's default position was to rely on county clerks' knowledge of their local needs and available resources. He said that because county clerks have had such a difficult time recruiting poll workers, many took the chance to consolidate polling locations when given the opportunity.

Asked by Co-Chair Nemes whether the state board of elections had rejected any county plan, Mr. House said some plans had been sent back for revisions, but all plans were eventually approved.

Representative Fleming asked what factors the board considered when determining whether a county's plan needs more voting locations. Mr. House said that the board looks at the geographic location of voting centers and uses the figure of 4,200 voters per day at each polling location as a baseline for judging the adequacy of each county's plan. Co-Chair Nemes commented that Oldham County has 59,000 registered voters and had 5 voting locations, which puts the number of voters at all locations "triple" the

estimated number of total voters, when using the 4,200 vote number. He noted that this cannot be explained away by saying it is a new process, because the same thing happened in the primary elections, which was brought to the board's attention.

Representative Blanton stated that the video was very shocking and wondered how many people did not vote because of the longer lines. He mentioned several problems that he felt must be addressed, including increased pay for poll workers, the need to enforce the 100 foot rule when voting machines are used, and cracking down on potential voter fraud, with respect to voters taking photos of their election ballot, as well as cultural acceptance of such behavior. He further noted that the length of ballots containing the full language of an amendment played a role in long lines at voting centers.

Representative Riley asked Co-Chair Nemes what time the last person at the Oldham County site shown in the video had voted. Co-Chair Nemes said that he did not know, but noted that police had shut down the parking lot because there were no available spots. Representative Fleming commented that the last voter voted around 7:20pm.

Mr. House responded to Senator Wise's question about whether the lengthy ballot had caused problems. More specifically, he said this was the first time Kentucky has ever had such a large ballot, which contributed to the long lines. He stated that his office is in contact with vendors to ensure ballot-reading machines are able to accommodate larger ballots in the future. He noted that they are encouraging on-demand ballot printing rather than pre-printed ballots, which should reduce problems related to ballot length.

In addition to accessibility and integrity, Representative Fleming stated that reporting quickly and accurately is paramount and he believes that the state board of elections had moved backwards on this issue, by moving the system in-house. He added that a better job has to be done on reporting, and that the committee will be requesting a report over the next couple of months in terms of what will be done to correct these issues. Mr. Brown noted that Kentucky had moved everything in-house after the 2020 election to improve election integrity and that the November 2022 general election was the first time this new system had been used. He said he did not know of any domestic provider that would be better than their in-house operation. He said that ultimately what mattered are the numbers certified by the county clerks to the Secretary of State and then to the state board of elections, which then issues the certificates of nomination. Co-Chair Nemes agreed that final certification is important, but that results should be reported timely and accurately as well.

Co-Chair Nemes said that inaccurate numbers presented on television were an issue and needed to be avoided because it results in conspiracy theories. Mr. Brown said that the numbers presented on television are not always those from the state system, but from other media outlets that employ what is known as "stringers" or "runners." Speed is valued, but integrity of numbers is more valued, according to Mr. Brown.

Co-Chair Nemes asked why the election certification process could not be transferred to the Secretary of State's Office so that voters are able to

hold them accountable. Mr. Brown said that making that move would require increased funding for IT staff and other resources.

Senator Nemes said that he did not believe the argument that counties are having difficulty hiring poll workers because, prior to the option to consolidate voting localities, counties had enough poll workers to staff more locations. He continued by saying that he believed giving voters the option to vote at any polling station in their district was a good idea. Mr. Brown said that well-funded counties, such as Jefferson, did not have the same problem with pay that other counties experienced. For example, Jefferson is able to pay poll workers up to \$300 per day. Ms. Sellers added that each county party chair provides county clerks with the names of potential poll workers. She noted that during the past two elections, the number of people on these lists was insufficient to adequately staff polling locations. So, county clerk's offices were left to find additional workers to meet staffing needs. She added that poll worker pay is one of the more important issues each county is experiencing. Co-Chair Nemes stated that he will have some written follow-up questions related to the discussion.

Representative Bechler stated that long lines have always been a problem ever since he has been able to vote; so, it is not a new problem. Referencing Ms. Seller's point about county party chairs submitting poll worker names, he noted that not all counties have two parties in place, which is something that should be considered moving forward.

Trey Grayson, Legislative Agent for the Kentucky County Clerk's Association, and Jason Denny introduced themselves. Mr. Denny stated that many of the problems discussed today are tied to funding and staffing. He noted that many counties have to rely on revenue generated from motor vehicle registration and deed recordings to staff their offices. He noted that other problems that need to be addressed include the length of the ballot, the text of amendments, and voters' use of phones in polling places. He emphasized that the accuracy of the vote count is more important than the speed of the vote count.

Co-Chair Nemes stated that the speed of the count is also important to protect the integrity of the vote.

Mr. Denny stated that funding is the primary issue at the county clerk offices as well as the ability to hire poll workers. Deed recording and motor vehicle revenue allows some counties to better afford additional poll workers and other staff. He stated that the length of the ballot was problematic, which they had never seen before. The vendor did not realize until late, that different paper stock had to be ordered so one piece of paper can be used. The complexity of the ballot and resulting confusion caused voters to take longer than five minutes each to vote. In addition, he stated that the 100 foot rule should be consistent across the state, whether voters are voting in an early voting center or voting on Election Day. It should apply on every voting method used in the state. Mr. Denny, as the Anderson County Clerk, was challenged by the state board of elections to add one voting location to the Anderson County Plan. He stated the use of phones by voters in the booth is an additional issue that has to be addressed. Co-Chair Nemes stated that although speed is not the most important factor, it is

still very important for the integrity of the process.

Mr. Grayson said that election officials probably underestimated the impact of a longer ballot on the length of lines at voting stations as they approved county plans for the November general election. He added that in order to keep voting lines the same length when a long ballot takes twice as long to fill out requires twice as many resources. Moving on to a discussion about early voting, Mr. Grayson noted that the pandemic reshuffled historic voting patterns and that we are starting to see a trend towards more people choosing to vote early. This requires counties to reconsider where they are allocating their limited resources to accommodate this new trend. Mr. Denny said that in states that have had early voting for a longer time, about 50% of voters used early voting.

Representative Blanton suggested considering the recruitment of young people from universities, colleges, and high school to serve as poll workers to increase their engagement in the political process.

In response to Representative Fleming's question about the demographics of typical poll workers, Mr. Denning stated that poll workers are trending towards younger people because of the pandemic. Representative Fleming mentioned they may consider working with businesses and corporations to use their employees to serve as poll workers.

Co-Chair Nemes recognized Representative Bechler for his service to the Commonwealth and congratulated him on his retirement. Representative Bechler acknowledged the Co-Chair's words and posed an additional question to Secretary Adams regarding the security of drop boxes. Secretary Adams generally stated that ballot harvesting is a felony in Kentucky, that drop boxes are under video surveillance, and that only about two percent of Kentucky voters cast absentee ballots. Representative Bechler asked that they give serious consideration to reviewing the security of drop-box voting because he believes it is problematic, given the rise in absentee voting. Secretary Adams made a final comment on the 95% of voters who typically vote at the ballot box.

Co-Chair Nemes adjourned the meeting.

## **PUBLIC PENSION OVERSIGHT BOARD**

### **Minutes of the 9th Meeting of the 2022 Interim November 15, 2022**

#### **Call to Order and Roll Call**

The 9th meeting of the Public Pension Oversight Board was held on Tuesday, November 15, 2022, at 3:00 PM, in Room 154 of the Capitol Annex. Representative James Tipton, Chair, called the meeting to order, and the secretary called the roll.

#### **Present were:**

**Members:** Senator Jimmy Higdon, Co-Chair; Representative James Tipton, Co-Chair; Senators Christian McDaniel, Robby Mills, Michael J. Nemes, Dennis Parrett, Damon Thayer, and Mike Wilson; Representatives Ken Fleming, Derrick Graham, Jerry T. Miller, Jason Petrie, Phillip Pratt, and Buddy Wheatley; Sara Beth Gregory, Proxy for Mike

Harmon, John Hicks, and Sharon Mattingly.

**Guests:** Bo Cracraft, Executive Director, Judicial Form Retirement System; David Eager, Executive Director, Kentucky Public Pensions Authority, Danny White and Janie Shaw, GRS Consulting; and Beau Barnes, Deputy Executive Secretary and General Counsel, Teachers' Retirement System;

**LRC Staff:** Brad Gross, Jennifer Black Hans, Michael Clancy, and Angela Rhodes.

#### **Approval of Minutes**

Representative Fleming moved that the minutes of the October 25, 2022, meeting be approved. Senator Parrett seconded the motion, and the minutes were approved without objection.

#### **2022 Actuarial Valuation Update – Judicial Form Retirement System**

Bo Cracraft, Executive Director, Judicial Form Retirement System (JFRS) discussed that public pension funds have been required to report since 2013 two sets of actuarial valuation data—one used for funding purposes that determines budget needs and one used for accounting/financial reporting purposes that are calculated in accordance with standards established by the Governmental Accounting Standards Board (GASB). He noted that JFRS is different from the other state systems in that JFRS is required to perform a funding valuation only once every two years to coincide with the biennial budgeting process but are required by GASB standards to annually perform a GASB based valuation. Both a funding and accounting valuation is conducted annually for each of the other state systems. Consequently, only GASB accounting values are available in the 2022 JFRS valuations which will not have an impact on plan funding.

Mr. Cracraft discussed the GASB results. All pension and health plans remain fully funded with a slight decline on the liability. However, the market value assets declined 12 percent. Mr. Cracraft stated the JFRS will do a funding valuation at the end of FY 2023 to determine budget needs in the next biennium.

Mr. Cracraft mentioned to the board that about 15 percent of JFRS' active membership is retiring, which is significant.

In response to a question from Representative Tipton, Mr. Cracraft stated it depends on the current year situation whether the JFRS funds will remain at 100 percent. In response to a follow-up, Mr. Cracraft stated that 2018 or 2019 was the last time the General Assembly fully funded Legislators Retirement Plan.

In response to a question from Senator Higdon, Mr. Cracraft stated that JFRS' proxy voting manager and investment manager is Baird Trust.

#### **2022 Actuarial Valuation Update – Kentucky Public Pensions Authority**

David Eager, Executive Director, Kentucky Public Pensions Authority (KPPA), began the presentation with good news. KPPA, despite the poor investment markets in 2022, experienced an increase in funded status for all pension funds due to the impact of asset smoothing and a dramatic increase in the funded status of the retiree health plans due to reductions in Medicare eligible retiree premium costs.

Danny White, GRS Consulting (GRS), stated

the results of the valuation are as of June 30, 2022. He began with an overview of the 2022 passed legislation. SB 209 increased health insurance benefits to members hired after July 1, 2003; HB 259 provides for the conversion of excess unused sick leave to employer pay credits for cash balance plan members in the State Police Retirement System (SPRS); HB 1 and HB 604 collectively provides \$250 million in additional appropriations above required amounts to the Kentucky Employees Retirement System (KERS) non-hazardous pension fund in both FY 2023 and FY 2024; and HB 1 provided \$215 million in additional appropriations above required amounts to the SPRS pension fund in FY 2022.

Mr. White discussed the FY 2022 investment experience. There was a -5 to -6 percent return on market value (varies by fund). Fund assets compared to the expected return resulted about \$2.6 to \$2.7 billion less than expected for all funds combined in FY 22. For comparison purposes, FY 2021 returns resulted in about \$3.4 billion more than expected from all funds. In FY 22, there was an unexpected liability experience loss of \$880 million for all retirement funds combined. The liability is approximately 2 percent higher than expected. The insurance fund liability experience resulted in a \$2.6 billion gain on all insurance funds combined due to the reduction in Medicare eligible premiums as previously noted by Mr. Eager.

In response to a question from Representative Tipton regarding medical inflation trends in the valuation, Mr. White stated that GRS anticipates Medicare eligible plan costs will go up in future years and the assumption, which is called medical trend, has been adjusted to reflect this anticipated increase.

Mr. White discussed the change in covered payroll. Since the KERS non-hazardous fund no longer collects contributions for the amortization cost on payroll based upon a percentage of payroll, the change in covered payroll does not influence the level of contributions paid into the systems for the unfunded liability. Across the other funds, covered payroll increased by 1.7 percent for KERS hazardous, 5.6 percent for SPRS, 6.4 percent for County Employees Retirement System (CERS) nonhazardous, and 7.4 percent for CERS hazardous.

Mr. White commented on the KERS nonhazardous retirement fund. It is imperative to maintain or increase contribution efforts. As of June 30, 2022 plan assets were \$3 billion.

Janie Shaw, GRS, discussed the Actuarially Determined Employer Contributions (ADEC) for the KERS, CERS, and SPRS pension and insurance funds. The 2021 valuation established the contribution requirement for FYE 2023 and FYE 2024 for KERS and SPRS. The contributions calculated in the 2022 valuation are for informational purposes only for these systems. She reviewed comparisons for 2021 versus 2022 valuations for KERS non-hazardous, KERS hazardous, and SPRS.

Ms. Shaw discussed the ADEC amounts payable by CERS non-hazardous and CERS hazardous for the 2021 valuation and the 2022 valuation. The 2021 valuation established the contribution requirement for FY 2023. The contributions calculated in the 2022 set the contribution rates for FY 2024 and will go



down due to the favorable Medicare eligible premium experience previously noted.

Ms. Shaw provided a comparison of the unfunded liability in the 2021 and 2022 valuations for all funds under the KPPA umbrella. The funded ratios for all pension and retiree health funds improved in 2022.

In response to questions from Representative Tipton regarding trends in investment return assumptions, Mr. White stated that GRS has provided KPPA with a chart that shows the downward trend in this assumption among public pension funds over time. In response to a follow-up, Mr. White stated that with the information from the current valuation, at this time he would not recommend an increase in the investment return assumptions for any of the KPPA systems.

In response to a question from Senator Higdon, Mr. Eager stated that Institutional Shareholder Services (ISS) provides proxy voting services to the systems.

## **2022 Actuarial Valuation Update – Teachers’ Retirement System**

Beau Barnes, Deputy Executive Secretary and General Counsel, Teachers’ Retirement System (TRS), began his presentation mentioning that TRS recently received their 2022 actuarial valuations and staff have not had time to review in detail. He discussed key points, which included investment returns for the retirement fund and retiree health insurance trusts, how the impact of investment losses from FY 22 were limited due to asset smoothing, and the additional funding of \$479 million appropriated to pay off previously awarded benefits. TRS had a new tier (TRS 4) take affect January 1 with about 3,100 members enrolled to date.

Mr. Barnes reviewed a 2021 versus 2022 comparison summary of actuarial valuation for the pension and retiree health insurance funds that included actuarial assets, liabilities, unfunded liabilities, and funded ratio.

Mr. Barnes discussed the cash flow data from the actuarial reports. TRS received 140 percent of actuarially determined employer contribution for the pension fund and that the negative cash flow for 2022 as a percentage of assets improved to (1.19) percent from the prior year value of (3.85), with the main difference being the additional \$479 in appropriations previously noted.

Mr. Barnes provided an analysis of the actuarial experience gain/(loss) findings. He discussed investment return, salary increases, turnover and retirement, mortality, new entrants, other (interest and contributions), and assumption changes.

Mr. Barnes discussed the 2024-2026 budget request. He provided comparisons from FY 2022 to FY 2025. The FY 2025 preliminary total request above the fixed employer contribution rate is \$805.7 million for pension and \$77.7 million for retiree health insurance.

In response to questions from Senator Higdon, Mr. Barnes stated overall there was improvement in the ratio between the unfunded liability and asset due to the increase of assets. In response to a follow-up, Mr. Barnes stated that cash flow would be close to 3.85 percent without the green box dollars. In response to

a follow-up regarding the increased budget request of \$805.7 million for FY 2025, Mr. Barnes stated that this subject is pending with their actuary.

In response to questions from Representative Miller, Mr. Barnes agreed that the increased budget request is partially due to the decreased assumed rate of return, but also the change in the mortality tables. In response to a follow-up, Mr. Barnes stated that the trend line has been steadfast.

In response to question from Senator Higdon, Mr. Barnes stated that since 2021 was an exceptional year for investments, TRS still has actuarial gains despite the recent negative 10 percent return experienced in FY 2022.

In response to questions from Representative Tipton, Mr. Barnes agreed that the \$805.7 million does not include the statutory contribution of about \$500 million. In response to a follow-up, Mr. Barnes stated the actuaries have not yet provided future contribution projections. In response to another follow-up, Mr. Barnes agreed that the salary increase is causing an actuarial loss of \$285.9 million. Mr. Barnes will provide information on the \$243.9 million gain in “Other” category under the gain/(loss) analysis.

In response to a question from Representative Tipton on ESG and proxy voting, Mr. Barnes stated that TRS is not an ESG investor and uses ISS for their proxy voting services.

Representative Tipton announced that all pension legislation be presented for review to the Public Pension Oversight Board (PPOB) during December 2022 and January 2023.

Senator Thayer commented that even through pension legislation would go through the Senate State and Local Government Committee during session, he would like to have it, at the request of the Co-chairs, to go through PPOB first.

With no further business, the meeting was adjourned.

## **TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE**

**Minutes of the 6th Meeting of the 2022 Interim**  
November 10, 2022

### **Call to Order and Roll Call**

The 6th meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Thursday, November 10, 2022, at 10:30 AM, in Room 129 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 Myron Dossett, Co-Chair; Senators Julie Raque Adams, Dennis Parrett, and Robin L. Webb; Representatives Kim King, Phillip Pratt, Brandon Reed, and Rachel Roberts.

Guests: Bill McCloskey, Deputy Executive Director, Kentucky Office of Agricultural Policy (KOAP); Brian Lacefield, Executive Director, KOAP; Paula Goff, Early Childhood Development Branch

Manager, Department for Public Health, Cabinet for Health and Family Services (CHFS); and Andrea Day, Director, Division of Child Care, Department for Community Based Services, CHFS.

LRC Staff: Stefan Kasacavage, Hillary Abbott, Kelly Ludwig, and Rachel Hartley.

The minutes from the meeting of October 13, 2022, were approved by voice vote.

## **Kentucky Office of Agricultural Policy Report**

Brian Lacefield provided a brief overview of various events, initiatives, and meetings including: the Farm to Campus Initiative, the University of Kentucky stakeholder meeting, and the Kentucky Agriculture Leadership Program.

Bill McCloskey described the Agricultural Development Board’s projects under the program. Mr. McCloskey highlighted programs including the County Agricultural Investment Program (CAIP), Deceased Farm Animal Removal, Next Generation Farmer, Shared-Use Equipment Program, and the Youth Agriculture Incentives Program.

The only requested program amendment discussed was:

Jessamine County Future Farmers of America Alumni Association, Inc. requested an additional \$90,000 in Jessamine County funds for CAIP. The board recommended approval, which would bring the program total to \$190,000.

## **The following were approved for funds through the On-Farm Energy Program:**

Rich Pullett Farm in Barren County was approved for \$10,150.

Wes Poole in Daviess County was approved for \$10,150.

Sheldon Brown in Graves County was approved for \$10,075.

Chantilly Rose in Owsley County was approved for \$10,150.

## **The projects discussed included:**

Robert W. Brown was approved for up to \$250,000 in state funds and \$5,780 in Graves County Agricultural Development Funds to build a United States Department of Agriculture-certified meat processing facility in Graves County.

Caliente Therapy, LLC was approved for up to \$88,250 in county funds to build an equine rehabilitation facility barn and purchase needed equipment.

Poso Creek Family Dairy, LLC was approved for \$2,500,000 in state funds to support the establishment of a 5,000-cow dairy farm in Fulton County.

Paris Independent Schools was approved for \$25,000 in Bourbon County funds to construct a greenhouse for the agriculture department.

Pulaski County Farm Bureau, Inc. was approved for \$2,512 in Pulaski County funds to purchase a grain rescue extraction kit.

The University of Kentucky Research Foundation was approved for up to \$400,543 in state funds to fund three full-time value chain coordinators for two years.

Johnson’s Custom Meats, LLC was approved for \$12,184 in Breathitt County funds to purchase meat processing equipment to replace equipment lost by

recent flooding.

In response to Senator Webb, Mr. McCloskey stated Caliente Therapy, LLC plans to work with veterinary clinics throughout the state.

In response to Senator Hornback, Mr. Lacefield stated Kentucky is attractive to dairy farmers due to Kentucky’s vast water resources and regulatory freedom. Many dairy farmers are relocating to Kentucky from the western part of the United States.

**Early Childhood Development**

Paula Goff stated the Health Access Nurturing Development Services (HANDS) received \$7,000,000 in Fiscal Year 2022 from the tobacco settlement funds and served 5,504 families. The funds from the tobacco settlement are used for a Medicaid match. HANDS is designed to assist overburdened parents during the prenatal period until the child’s third birthday.

Early Childhood Mental Health received \$900,000 in Fiscal Year 2022 from the tobacco settlement funds, which are used as part of the match

for the Maternal and Child Title V Block Grant. The services include consultations, trainings, evaluations, and therapeutic services for children from birth to five years old.

Child Care Health Consultation received \$900,000 in Fiscal Year 2022 from the tobacco settlement funds. The program provides consultation and technical assistance on health, safety, and nutrition for children from birth to five years old.

Early Childhood Oral Health received \$900,000 in Fiscal Year 2022 from the tobacco settlement funds and supports 33 health departments throughout the state.

The Lung Cancer Screening Program received \$500,000 in Fiscal Year 2022 from the tobacco settlement funds. The program’s goals are to increase lung cancer screenings, reduce morbidity and mortality of lung cancer, and reduce the cost of treating lung cancer.

Andrea Day stated the Division of Child Care has a budget allotment of \$9,283,787 for Fiscal Year

2022, and the majority of the funds go directly to providers through quality incentives with Kentucky All Stars. The tobacco settlement funds are used as matching funds to receive the federal Child Care and Development Fund block grant.

There being no further business, the meeting was adjourned.



2022 Interim  
**LEGISLATIVE  
RECORD**

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| Reginald Thomas<br>MINORITY CAUCUS CHAIR   | Derrick Graham<br>MINORITY CAUCUS CHAIR  |
| Mike Wilson<br>MAJORITY WHIP               | Chad McCoy<br>MAJORITY WHIP              |
| Dennis L. Parrett<br>MINORITY WHIP         | Angie Hutton<br>MINORITY WHIP            |

The Kentucky Legislative Research Commission is a 16-member committee of the majority and minority leadership of the Kentucky Senate and House of Representatives. Under Chapter 7 of the Kentucky Revised Statutes, the LRC constitutes the administrative office for the General Assembly. Its director serves as chief administrative officer of the Legislature when it isn’t in session.

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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**LEGISLATIVE  
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RECORD**

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