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RECORD

Lawmakers consider regs on chronic illness care

by Jim Hannah
LRC Public Information

FRANKFORT – Kentucky regulators have been struggling since October 2014 to agree upon which terms so-called limited service medical clinics, like the ones that have popped up in supermarkets and drug stores in recent years, must follow to begin treating chronic illnesses.

Mary Lou Marzian, D-Louisville, said the process has been met with controversy when the subject of the guidelines was raised at the May 5 meeting of the Administrative Regulation Review Subcommittee. The group deferred making any recommendation on the proposed guidelines after hearing negotiations were ongoing with advanced practice registered nurses, or APRNs.

Sheila Schuster, lobbyist for Kentucky Coalition of Nurse Practitioners and Nurse Midwives, testified that APRNs were concerned the guidelines would place them under the supervision of physicians. (APRNs are registered nurses who have completed advance education and training in diagnoses and management of medical conditions including chronic illnesses.)

Schuster said the guidelines would be contrary to state law that allows APRNs to act as independent practitioners while working at limited service medical clinics. She told subcommittee members that APRNs didn't have "a seat at the table" as the proposed guidelines were developed.

Maryellen Mynear, inspector general for the Cabinet for Health and Family Services, said the goal of the guidelines is to provide additional access to healthcare while fulfilling the state's obligation to protect the health and welfare of its citizens.

"We are trying to walk that fine line," she said.

Mynear said Baptist Health Kentucky originally requested state regulators expand the number of illnesses that could be treated at limited service medical clinics.

Sen. Ernie Harris, R-Prospect, said state regulations needed to be updated because of recent legislation. That legislation allowed APRNs to treat for hypertension, cholesterol, congestive heart failure, asthma, chronic obstructive pulmonary disease, diabetes and hypothyroidism.

Mynear said APRNs already treat chronic illnesses at rural health clinics and primary care centers where doctors are required to be present during certain periods. She said regulators were just trying to be consistent with all types of medical providers.



Water line concerns raised before committee

by Rebecca Hanchett
LRC Public Information

FRANKFORT—More funding could be available in the next state budget cycle for line-item grants to help run water lines to now-un-served and underserved Kentuckians.

The Kentucky Infrastructure Authority's (KIA) Debby Milton told the Tobacco Settlement Agreement Fund Oversight Committee on May 6 that a balance of about \$740,000 in closed-out line-item grants could be redistributed. Her comments were made during her presentation to the committee on KIA's use of tobacco settlement funds for rural water and wastewater projects.

Milton was responding to concerns voiced by committee members like Rep. Mike Denham, D-Maysville, who asked Milton if there are grant funds available to help those at hard-to-reach locations—at the end of a road, or up a hill, for example.

"I think we've got to find a way to accommodate them," he said.

Senate Majority Whip Jimmy Higdon, R-Lebanon, said he agreed with Denham on that point, adding "we need to make it our goal that 100 percent of Kentucky residents ... have safe, dependable water." Higdon said help could possibly come through a matching fund program "for some of these individuals at the end of the line, so we can help get that water to them."

To date, KIA has funded over \$3 billion in

Continued on page 2

Tobacco, from page 1

water and sewer projects through loans and grants, with actual line-item grants totaling \$858 million, said Milton. The line-item grants are used to pay the debt service on project bonds, she said.

No new tobacco settlement line-item grants have been included in the state budget for KIA water and sewer projects since 2010, said Milton, although existing grants are often reauthorized and coal severance line-item grants have been authorized. Line-item grants administered by KIA over the past 15 years have gone for water and sewer line extension or repair, water or sewer plant rehab, water storage tank construction or rehab, and water or sewer plant construction, she said.

Questions about how tobacco settlement dollars are used to pay debt service on water and sewer projects in Kentucky were posed by committee Co-Chair Rep. Wilson Stone, D-Scottsville, who asked Milton to provide the committee with that data because “it does affect each budget that’s prepared for the (tobacco settlement) funding,” he said. Milton said she would get back to the committee with that information.

Committee Co-Chair Sen. C.B. Embry, R-Morgantown, thanked Milton for her presentation. “We appreciate this information (and) your activities and help in this regard,” he told her.

The committee also received an update from the Governor’s Office of Agricultural Policy on projects considered for state agricultural development funding at the April meeting of the Agricultural Development Board.

Debby Milton
with KIA told the
Tobacco
Settlement
Agreement Fund
Oversight
Committee that a
balance of around
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Top photo:
Sen. Whitney Westerfield, R-Hopkinsville, speaks during the May 6 meeting of the Tobacco Settlement Agreement Fund Oversight Committee.

At right: Tobacco Settlement Agreement Fund Oversight Committee Co-Chair Rep. Wilson Stone, D-Scottsville, fields questions.



2015

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Committee Meetings

Index

- A
Administrative Regulation Review Subcommittee, 12, 13
- C
Capital Projects and Bond Oversight, 7
- G
Government Contract Review Committee, 10
- T
Tobacco Settlement Agreement Fund Oversight Committee, 6, 9

TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE

Minutes

April 1, 2015

Call to Order and Roll Call

The meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Wednesday, April 1, 2015, at 10:30 AM, in Room 129 of the Capitol Annex. Representative Wilson Stone, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Wilson Stone, Co-Chair; Senators C.B. Embry Jr., Carroll Gibson, Paul Hornback, Dennis Parrett, Robin L. Webb, and Whitney Westerfield; Representatives Mike Denham, Terry Mills, Ryan Quarles, and Jonathan Shell.

Guests: Joel Neaveill, Bill McCloskey, Angela Blank, and Brian Murphy.

LRC Staff: Lowell Atchley, Kelly Ludwig, and Kelly Blevins.

The January 7, 2015 minutes were approved, by voice vote, upon motion made by Representative Shell and seconded by Representative Quarles.

Co-chair Election

Following the roll call and confirmation of a quorum, Senate committee members, with staff presiding, nominated and elected by acclamation Senator Embry as the Senate co-chair.

Governor's Office of Agricultural Policy

Mr. Joel Neaveill, Chief of Staff, and Mr. Bill McCloskey, Director of Financial Services, Governor's Office of Agricultural Policy (GOAP), testified about project funding decisions made by the Agricultural Development Board (ABD) during its March meeting, and two previous meetings in January and February.

The January and February reports covered the board's actions on the County Agricultural Improvement (CAIP) and Deceased Farm Animal Removal programs.

Senators Parrett and Webb posed questions about the reasons for the board's denial in January of \$331,778 in state funds to Hollison, LLC, a company that had proposed to conduct pilot studies on three pork producers' farms to develop technology that could detect the porcine epidemic diarrhea (PED) virus in hog feed. Senator Parrett asked if any other entity such as the Office of State Veterinarian or the University of Kentucky was conducting any PED research. He noted the problems with PED in 2013 and 2014. Senator Webb inquired about the research methods.

Mr. Neaveill said he was not aware of additional research being done on the virus. He alluded to the board's denial being based on the idea that the project was a basic research proposal that would not progress beyond the detection stage.

Mr. Neaveill described the board's denial in February of funds to Athena Bioplastics, which had sought \$940,000 to buy equipment for a bio-resin pellet production process. According to Mr. Neaveill,

the applicant appeared to be looking at agriculture as a low-cost supplier of inputs.

Next, Mr. Neaveill reported on the March ADB meeting, beginning first with the CAIP and Deceased Farm Animal programs. Applicants receiving state funding commitments in that meeting included Lexington-Fayette County Urban County Government (LFUCG), \$50,000 in state funds and \$55,000 in multicounty funds over a two-year period for a local food coordinator of the Bluegrass Farm to Table Program; U.S. Geological Survey, Indiana-Kentucky Water Science Center, \$490,860 in state funds for a three-year water monitoring study at sites on the Green and upper Ohio rivers; Kentucky Highlands Investment Corporation, \$200,000 in state funds to establish a permanent revolving loan fund to provide financing to small farmers working primarily with Grow Appalachia in the Shaping Our Appalachian region counties of eastern Kentucky; Kentucky Agriculture and Environment in the Classroom, Inc., \$71,384 in state funds to buy a new mobile science activity center for use primarily in eastern Kentucky; and Western Kentucky University Research Foundation (on behalf of the Kentucky Climate Center), \$12,000 in Butler County funds to equip a Mesonet weather monitoring site in Butler County.

Mr. Neaveill and Mr. McCloskey responded to several questions about the LFUCG project from Senator Gibson, Representative Quarles, Senator Webb, and Co-Chair Stone. Mr. Neaveill described the salary arrangement and duties of a local food coordinator and farmer commitments to supply food. Senator Webb indicated she was concerned how certain foodstuffs would be promoted and indicated her desire that animal agriculture be a part of the mix. She asked for information on the mission of the program and its partners.

The USGS project prompted questions and comments from Representatives Denham, Mills, and Stone, and Senators Parrett and Hornback. According to Mr. McCloskey, the study will assess the quality of water flowing into Kentucky and flowing out, and look at the impact that agriculture has on waterways.

Senator Parrett characterized the funding as important and a "good use of our dollars." Senator Hornback said water quality and water management in the state will be important in the future. Mr. Neaveill described the year-by-year funding arrangement with the USGS.

Senators Hornback and Webb, and Representative Stone asked questions about the Kentucky Highlands project. Responding to a question from Senator Hornback about the funding being a duplication of CAIP programs, Mr. McCloskey indicated smaller amounts to CAIP dollars are available in the eastern Kentucky region. Senator Webb asked for information on the mission and the messages of the partners in the project.

Mr. Neaveill responded to several committee members' questions about the Mesonet project. He said he would obtain additional information for Co-Chair Embry about the timetable for the project. He responded to Senators Hornback and Parrett regarding the use of Mesonet data in crop insurance claims. Senator Parrett mentioned the use of Mesonet data in viewing spray drift

claims. Representative Stone indicated many local governments look at their Mesonet station as a “good community project.”

House Bill 512 Discussion

Mr. Sean Riley, Chief Deputy Attorney General, reviewed House Bill 512, the bill passed in the 2015 Regular Session directed at protecting Kentucky’s tobacco settlement funds and making sure the state abides by the enforcement called for in the Master Settlement Agreement, signed in 1998 by states and major tobacco companies.

Mr. Riley described the events that led to the legislation, most recently the state’s settlement with tobacco companies last summer. That settlement followed an adverse arbitration ruling earlier which held that the state was not diligent in its enforcement of the agreement for the year 2003. The state was facing similar enforcement challenges for subsequent years. As an outgrowth of the settlement, over the next three years Kentucky was expected to receive, at least \$57.2 million in additional MSA payments than initially budgeted. According to Mr. Riley, because of the settlement and other issues, Kentucky’s enforcement might not be challenged until 10-15 years from now.

Mr. Riley described to the some of the key “fixes” that were a part of House Bill 512. Those were: the requirement for a \$50,000 bond to be posted annually by nonparticipating tobacco manufacturers (NPMs) in addition to the currently required escrow payments; joint liability of importers for both escrow and penalties; the abolishment of a 60-day period that gives NPMs a chance to sell off their products; stronger Department of Revenue licensing requirements; and tighter reporting obligations for cigarette manufacturers doing business in the state. He also mentioned the possibility of additional legislation in the future and formation of an MSA working group.

Responding to Representative Stone, Mr. Riley indicated that NPMs are complying with their current escrow requirements. He responded to another question from Co-Chair Stone, saying that some other states that lost their arbitration hearings are either settling with tobacco companies or are contemplating settling.

Some committee members complimented the Office of Attorney General for the settlement. Committee members mentioned the importance of the tobacco dollars for agriculture in the state.

Documents distributed during the committee meeting are available with meeting materials in the LRC Library. There being no further business, the meeting was adjourned.

CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

Minutes of the 2nd Meeting of the 2015 Interim

April 21, 2015

Call to Order and Roll Call

The Capital Projects and Bond Oversight Committee meeting was held on Tuesday, April 21, 2015, at 1:05 p.m., in Room 169 of the Capitol Annex. Representative Sinnette, Chair, called the meeting to order, and the secretary called the roll.

Members: Representative Kevin Sinnette, Co-Chair; Senators Julian M. Carroll and Christian

McDaniel; Representatives Steven Rudy and Jim Wayne.

Guests: Mr. Bryan Russell, Chief Facilities Officer, WKU; Ms. Elizabeth Baker, Director of Planning, UK; Mr. Scott Aubrey, Director of Real Properties, Finance and Administration Cabinet; Mr. John Hicks, Deputy State Budget Director; Jeff Abshire, Financial Analyst for Kentucky Infrastructure Authority; Mr. Charles Martin, Director of the Division of Water Quality for Lexington-Fayette Urban County Government; Mr. Ryan Barrow, Executive Director, Office of Financial Management; Ms. Kristi Culpepper, Executive Director, School Facilities Construction Commission.

LRC Staff: Katherine Halloran and Maurya Allen.

Election of House Co-Chair

Katherine Halloran, Committee Analyst, said that, pursuant to KRS 45.790, a Co-Chair election was needed for the positions of Senate and House Co-Chairs. Representative Rudy nominated Representative Sinnette for the position of House Co-Chair. The motion was seconded by Representative Wayne. Representative Rudy moved that nominations cease and that Representative Sinnette be elected House Co-Chair by acclamation. The motion was seconded by Representative Wayne and approved by voice vote.

Election of Senate Co-Chair

Senator Carroll nominated Senator Girdler for the position of Senate Co-Chair. The motion was seconded by Senator McDaniel. Senator McDaniel moved that nominations cease and that Senator Girdler be elected as Senate Co-Chair by acclamation. The motion was seconded by Senator Carroll and approved by voice vote.

Approval of Minutes

Senator Carroll moved to approve the minutes of the January 20, 2015 meeting. The motion was seconded by Senator McDaniel and approved by voice vote.

Correspondence Items

Ms. Halloran said there were six correspondence items for review by the committee members. First were letters to and from the Transportation Cabinet regarding the Louisville-Southern Indiana Ohio River Bridges environmental justice study. Additionally, there were letters regarding cancellation of the February and March committee meetings and an informal legal opinion from the Office of the Attorney General regarding the Louisville Arena Authority.

Representative Wayne addressed the committee in regards to the Transportation Cabinet’s withholding of the environmental justice study report from their response. An open records request has been made to release this document after receiving advice from LRC legal counsel. The request was denied and then submitted to the Attorney General for formal opinion. He feels it is very important to receive a copy of this report. Senator McDaniel posed a question to Representative Wayne asking for clarification on exactly which documents he was seeking. Representative Wayne explained that documents regarding the environmental justice study were submitted to the Federal Highway Administration in December. These documents are the ones that Representative Wayne is requesting; he has been informed that these are not available for the public because they are considered draft documents. Representative Wayne believes is that these are no

longer confidential because they have been submitted from a state agency to a federal agency and therefore subject to open records requests.

Representative Wayne commented on the informal opinion of the Attorney General. He does not feel that the submitted correspondence fully addressed the questions of the committee regarding the arena financing plan. Senator Carroll stated that he has concerns in this matter. Senator Carroll moved that a letter be drafted to the LRC Director requesting an independent actuary to evaluate the financing of the Louisville Arena Authority on behalf of the committee if funds are available. Representative Wayne seconded the motion, which passed by voice vote.

Information Items

Ms. Halloran said there were five information items for the committee members to review: (1) a document presenting passed legislation related to the jurisdiction of the committee; (2) a notice of advertisement for leased space for the Cabinet for Health and Family Services in Fayette County; (3) quarterly lease modification reports from the Finance and Administration Cabinet through the second quarter of this year; (4) quarterly status reports on major capital projects from the Administrative Office of the Courts, Commonwealth Office of Technology, Finance and Administration Cabinet, and the universities that manage their own capital construction programs; and (5) the semi-annual report of the Kentucky Asset/Liability Commission (ALCo).

Project Reports from the Universities

Bryan Russell, Chief Facilities Officer, Western Kentucky University requested interim authorization for the Confucius Institute Facility Design/Build Project, a 7,000 square foot facility involving no university or state funds. Senator Carroll made a motion to approve the project. Senator McDaniel asked if it would be used for instructional use at the university. Mr. Russell assured him that it would not be used for collegiate instruction. Senator McDaniel then asked who was financing this project. Mr. Russell explained that the Confucius Institute/HanBan, a public institution affiliated with the Chinese Ministry of Education, had supplied the funding for this project. Senator McDaniel asked who would be staffing and providing general guidance for the programming at the institute. Mr. Russell stated that Western Kentucky University would be staffing the facility and Mr. Terrill Martin had been named the managing director for the facility. Senator McDaniel asked whether there would be oversight of curriculum at the Institute by the Chinese government. Mr. Russell assured him that that would not be the case. Senator McDaniel seconded the motion to approve the project. It was approved by a roll call vote of 5 yeas, 0 nays.

Elizabeth Baker, Planning Director of the University of Kentucky, reported on three items. The first was the purchase of eight pieces of medical and research equipment by the university. All of these purchases were reported as being purchased with university cash funds with the exception of a plot combine being 90 percent funded by the Kentucky Soybean Promotion Board.

Ms. Baker presented a scope modification/consolidation for the Patient Care Facility project. The university board authorized the consolidation of two projects in relation to the health care facilities for

ease of accounting. Both were authorized in House Bill 235 of the 2014 Regular Session. The first was the renovate/upgrade healthcare facilities project which was authorized for \$150 million in agency bonds and the second was the renovate/upgrade healthcare facilities project authorized for \$130 million of restricted funds.

Ms. Baker's discussed two lease modifications. The first was for the Department of Pediatrics Regional Extension Center in Lexington. As a result of substantial growth by the department, the square footage of the lease will increase by 1,147 square feet. There will be no increase in the per square footage cost resulting in an overall increase to the lease cost of \$17,778 annually. The second lease modification is to accommodate ten visiting international professors who will be on campus for two months. The extra cost of ten housing units will be \$4,750. No action was required on these items.

Ms. Halloran, on behalf of University of Louisville, reported a lease modification of less than \$50,000 for University of Louisville's Health Sciences Center offices and the purchase of unbudgeted research equipment from designated gift sources for a spinal cord simulator system. No action was required on these items.

Lease Reports from Finance and Administration Cabinet

Scott Aubrey, Director of Real Properties for the Finance and Administration Cabinet presented two lease items. The first was a lease modification for the Transportation Cabinet in Jefferson County. The lease will be modified to increase the area by 45,547 square feet at an added annual cost of \$343,999. Representative Rudy made a motion to approve, which was seconded by Senator Carroll. The motion passed by a roll call vote of 5 yeas, 0 nays.

Mr. Aubrey presented a new "build-to-suit" lease award for the Finance and Administration Cabinet in Franklin County. The lease is for 371,160 gross square feet of office space at an annual cost of \$4,525,574. Upon issuance of the certificate of occupancy (expected summer of 2016), the lease will be in effect for a period of 35 years, after which the property will revert to the Commonwealth at no cost with a clear title.

Senator McDaniel asked Mr. Aubrey to explain "build-to-suit" for the benefit of the committee and guests. Mr. Aubrey stated that the property was owned by the Commonwealth and was conveyed to a developer, according to statute, following a bidding and proposal period. The facility will be leased from the developing company following construction completion. At the fulfillment of the lease term, the property is returned to the Commonwealth. Senator McDaniel asked if the developer also had a management contract to maintain the building while it was occupied. Mr. Aubrey responded that yes, the development company would be responsible for maintaining and managing the building as a term of the lease agreement.

Representative Wayne asked which employees were going to be relocated to the new building, specifically which employees from the Capital Plaza Tower location. Mr. Aubrey responded that it was unclear at this time exactly which state employees were going to be relocated with the exception of employees in the Fair Oaks properties, as that lease will be expiring requiring the current occupants to vacate. Representative Wayne asked about the costs

associated with terminated leases caused by moving employees into the new building from existing leased properties. John Hicks, State Budget office, came forward to address this question. He explained that the net financial effect of leaving Fair Oaks and the Capital Plaza Tower is estimated at \$500,000 per year greater than the Commonwealth is currently spending on space in these other locations. Agencies to be relocated are still being determined, this includes agencies moved to the new building as well as those moved into existing leased space.

Representative Wayne also asked about parking spaces, specifically that the plans show approximately 1,200 parking spaces for approximately 1,400 employees. He asked if the local planning and zoning board has approved this to be an adequate amount of parking space. Mr. Aubrey explained the location of the new building and that the city had required a traffic study on the location that established this was an appropriate number of spaces.

Senator Carroll shared with the committee that an earlier meeting had been held with an outline of the project and all the facilities affiliated with it. He asked about provisions in the "build-to-suit" law to allow the Commonwealth to own the property outright. Mr. Aubrey explained that when the lease ends in 35 years, it reverts back to the Commonwealth's ownership. Staff said the Commonwealth also has the right to purchase it outright at any time as long as the other terms of the lease are met. Senator Carroll commented that he was pleased, after reviewing the plans, that the space is well utilized in this building with little wasted space. Senator Carroll moved to approve the project, which was seconded by Representative Wayne. The motion passed by a roll call vote of 5 yeas, 0 nays.

Office of Financial Management

Ryan Barrow, Executive Director, Office of Financial Management, presented three items. The first was the State Property and Buildings Commission Revenue and Revenue Refunding Bonds. The refunding portion saved the Commonwealth nearly \$33 million. The second report was a Kentucky Higher Education Student Loan Corporation (KHESLC) Asset-Backed Notes issue, removing the 1997 indenture and financing other loans. The final item was a university transaction for Morehead State University General Receipts Revenue Bonds to finance the cost of construction of a new student residence hall on the main campus with approximately 550 new beds and a 50 bed residence hall at the Derrickson Agricultural complex. No action was required.

Project Reports from the Finance and Administration Cabinet

John Hicks, Deputy State Budget Director, reported on two information items. The first was a pool project for the Finance and Administration Cabinet to perform electrical distribution repairs at the L&N Building in Louisville totaling \$1,439,185. The second was a pool project for the Department of Fish and Wildlife Resources Fee-in-Lieu-Of project on Trammel Creek in Allen County. This is an increase of \$150,000 for maintenance and monitoring of the project as required by the U.S. Army Corps of Engineers. No action was required on these items.

Mr. Hicks then presented a new project for the Transportation Cabinet funded with federal funds to replace the rest area pump station, water line and sewer line at the Whitley County Rest Area on I-75. Senator Carroll moved to approve. Representative

Wayne seconded. The motion passed by a roll call vote of 5 yeas, 0 nays.

Kentucky Infrastructure Authority (KIA)

Jeff Abshire, Financial Analyst for Kentucky Infrastructure Authority, presented thirteen items. The first item was for a Fund A loan for the City of Barbourville in Knox County. The request was for a \$1,856,109 loan for the Barbourville Sewer Rehab project. The loan will have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$93,443. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Rudy and approved by a roll call vote of 5 yeas, 0 nays.

The second item was for a Fund A loan for the Lexington-Fayette Urban County Government in Fayette County. The request was for a \$36,000,000 loan for the West Hickman Wastewater Treatment Plant Wet Weather Storage project. The loan will have a 20-year term, an interest rate of 1.75 percent, and a debt service payment of \$2,213,122.

Senator McDaniel asked about the impact on rate payers of the consent decree in Lexington. Mr. Charles Martin, Director of the Division of Water Quality for Lexington-Fayette Urban County Government, responded that the estimated cost of remedial measure projects will be close to \$600 million over twelve years. This will have the immediate impact of raising rates 12 percent in July of this year and another 12 percent increase in July of next year. Senator McDaniel asked for the average cost to a rate payer before and after the increases. Mr. Martin explained that the average rate payer was paying \$13 a month for 4,000 gallons of water and the bill will increase to approximately \$63. Additionally, there will be an extra fee for storm water management of approximately \$4.80 for an average rate payer.

Senator McDaniel clarified that this meant an increase of 5 times the bill as a result of the consent decree. Senator McDaniel stated that he was not trying to attack this project, but in the future, it would be wise to consider the hidden costs that are being passed on to citizens at a statewide level. Chairman Sinnette also stated that he has seen a similar situation in his area. Senator Carroll asked for more clarification on the difference between treatment of wastewater runoff and storm water runoff. Mr. Martin stated that the treatment of storm water and wastewater is different in that typically storm water is not treated. But as a result of overflow during heavy rain storms, there is sometimes co-mixture of water. This project, and others resulting from the consent decree, should help to mitigate situations where that occurs. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The third item was for a Fund A loan for the City of Harrodsburg in Mercer County. The request was for a \$10,000,000 loan for the Wastewater Treatment Plant Expansion project. The loan will have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$559,372. Representative Rudy made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The fourth item was for a Fund A loan for the City of Harrodsburg in Mercer County. The request was for a \$810,000 loan for the Harrodsburg Corning Pump Station and Force Main project. The loan will

have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$45,309. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Rudy and approved by roll call vote of 5 yeas, 0 nays.

The fifth item was for a Fund A loan for the City of Nicholasville in Jessamine County. The request was for a \$340,980 loan for the Orchard Parallel Sanitary Sewer project. The loan will have a 20-year term, an interest rate of 2.75 percent, and a debt service payment of \$22,961. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Rudy and approved by roll a call vote of 5 yeas, 0 nays.

The sixth item was for a Fund A loan for the Sanitation District No. 1 of Northern Kentucky, serving Boone, Campbell, and Kenton Counties. The request was for a \$3,000,000 loan for the Highland Pike Sewer Replacement Project. The loan will have a 20-year term, an interest rate of 1.75 percent, and a debt service payment of \$184,427. Representative Wayne asked if there was any liability associated with the 2009 landslide that damaged the sewer resulting in a need to replace the lines. Mr. Abshire stated that to his knowledge there was no liability; the landslide had been caused by significant degradation of the area due to rain. Senator Carroll moved to approve the loan, which was seconded by Senator McDaniel and approved by a roll call vote of 5 yeas, 0 nays.

The seventh item was for a Fund A loan for the Sanitation District No. 1 of Northern Kentucky, serving Boone, Campbell, and Kenton Counties. The request was for a \$2,750,194 loan for the Patton and 8th Street Wet Well Rehabilitation project. The loan will have a 20-year term, an interest rate of 1.75 percent, and a debt service payment of \$169,070. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The eighth item was for a Fund B loan for the City of Hustonville in Lincoln County. The request was for a \$476,400 loan for the Water System Improvement project. The loan will have a 20-year term, an interest rate of 1.75 percent, and a debt service payment of \$29,287. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The ninth item was for a Fund B loan for the Northern Kentucky Water District in Kenton County. The request was for a \$1,500,000 loan for the Latonia Lakes Water Main Replacement project. The loan will have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$83,906. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by roll call vote of 5 yeas, 0 nays.

The tenth item was for a Fund B loan for the City of Barbourville in Knox County. The request was for a \$130,000 loan for the Barbourville Levee Certification project. The loan will have a 5-year term, an interest rate of 0.75 percent, and a debt service payment of \$26,800. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The eleventh item was for a Fund C loan for the Warren County Water District in Warren County. The request was for a \$1,090,000 loan for the Alvaton Area Sewer project. The loan will have

a 20-year term, an interest rate of 3.00 percent, and a debt service payment of \$75,055. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

The twelfth item was for a Fund F loan for the City of Burkesville in Cumberland County. The request was for a \$811,600 loan for the Kentucky State Road 61 Water Distribution Extension project. The loan will have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$45,804. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Rudy and approved by a roll call vote of 5 yeas, 0 nays.

The thirteenth item was for a Fund F loan for the City of Harrodsburg in Mercer County. The request was for a \$326,660 loan for the College and Chestnut Street Water Lines project. The loan will have a 20-year term, an interest rate of 0.75 percent, and a debt service payment of \$18,436. Representative Rudy commented that of the thirteen water and sewer projects presented, only two were in the Central Time Zone and none were west of I-65. He hoped that next month the far west would see a share of the water and sewer project loans. Senator Carroll made a motion to approve the loan. The motion was seconded by Representative Wayne and approved by a roll call vote of 5 yeas, 0 nays.

New School Bond Issues with School Facilities Construction Commission (SFCC) Debt Service Participation

Ms. Kristi Culpepper, Executive Director, School Facilities Construction Commission, reported six school bond issues with SFCC debt service participation with a total par amount of \$75,025,000. The state portion of the annual debt service payment was \$775,010 and the local contribution was \$5,196,906. Two bond issues will refund outstanding debt and the other four will finance new construction and improvements at existing school facilities, with the majority going to fund the new Floyd County High School. The bond issues did not involve tax increases.

Senator McDaniel asked about the cost of the Floyd County High School and specifically what the average cost was for a high school. Ms. Culpepper said that in her opinion \$50 million did seem high, but they had seen \$70 million for a high school. She explained that the SFCC does not handle the costs of construction, which is the purview of the Kentucky Department of Education. Senator McDaniel asked if this large a bond issue would burden the local community in repayment. Ms. Culpepper explained that the repayment schedule would be based on local tax revenues. Senator McDaniel asked if Ms. Culpepper could provide to the committee data concerning number of pupils and cost of schools for new high school construction with SFCC participation over the last five years. Representative Wayne made a motion to approve the school bond issues. The motion was seconded by Senator Carroll. The motion passed by a roll call vote of 5 yeas, 0 nays.

New School Bond Issues with 100 Percent Locally Funded Debt Service Participation

Ms. Halloran said ten local school bond issues were reported to the committee. Each bond issue has 100 percent local debt service support and involves no School Facilities Construction Commission participation. No tax increases were required for these issues. No action was required.

Ms. Halloran also said that included in members' folders was the updated debt issuance calendar.

Other Business

Members briefly discussed the possibility of changing the meeting date and/or time for May as a concession to the regular date being the date of primary elections. Representative Wayne pointed out that in the past the committee has met regardless of the election. Many members stated they would be willing to keep the same date and time. Representative Rudy said the committee might consider moving the date to accommodate giving staff time for voting. Chairman Sinnette stated that he would further discuss the possibility of moving the meeting with Josh Nacey, Committee Staff Administrator, after the meeting.

With there being no further business, the meeting was adjourned at 2:07 p.m.

TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE

Minutes

May 6, 2015

Call to Order and Roll Call

The meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Wednesday, May 6, 2015, at 10:00 AM, in Room 129 of the Capitol Annex. Senator C.B. Embry Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator C.B. Embry Jr., Co-Chair; Representative Wilson Stone, Co-Chair; Senators Carroll Gibson, Jimmy Higdon, Dennis Parrett, Robin L. Webb, and Whitney Westerfield; Representatives Mike Denham, Tom McKee, Terry Mills, Ryan Quarles, and Jonathan Shell.

Guests: Mr. Roger Thomas, Mr. Joel Neaveill, Ms. Angela Blank, Mr. Brian Murphy, and Mr. Luther Hughes, Governor's Office of Agricultural Policy; and Ms. Debby Milton, Kentucky Infrastructure Authority.

LRC Staff: Lowell Atchley, Kelly Ludwig, and Kelly Blevins.

Co-chair Election

Following the roll call and confirmation of a quorum, House committee members, with staff presiding, nominated and elected by acclamation Representative Stone as the House co-chair.

Governor's Office of Agricultural Policy Reports

Mr. Roger Thomas, Executive Director, and Mr. Joel Neaveill, Chief of Staff, Governor's Office of Agricultural Policy (GOAP), testified to the committee, with Mr. Thomas discussing tobacco settlement budget issues at the outset and later, Mr. Neaveill updating the committee on the project funding decisions made by the Agricultural Development Board (ADB) during its April meeting.

Mr. Thomas' discussion referenced the Master Settlement Agreement (MSA) settlement last fall that resulted in Kentucky receiving \$110.4 million in disputed and related payments, the recent passage of House Bill 510 with appropriations to agriculture and health improvement programs in FY 2014-2015 and FY 2015-2016, the larger than anticipated shortfall in MSA funds received by the state this year, and the Governor's line-item veto to prevent budget cuts. According to Mr. Thomas, GOAP had planned for

\$73.1 million in MSA funds this year, but the actual payment will probably be lower, \$61.8 million, or roughly \$11 million below the anticipated amount.

Regarding the veto, Mr. Thomas indicated the Governor did not want to veto any legislation, but because of the potential impact on programs receiving the MSA funds, he did undertake the line-item veto. Mr. Thomas responded to questions and comments from Senator Westerfield, Representative Stone, Representative Denham, and Representative McKee, regarding budgeting for the current and previous fiscal years, the use of the MSA funds as a result of the settlement last year, the maintenance of adequate funding for health improvement programs such as Early Childhood Development, the remaining unappropriated MSA funds, and the status of funds directed to county agricultural development councils.

Representative Mills indicated that he had attended a recent GOAP regional workshop in Green County and discussed the value of offering a structured means of making MSA funding decisions at the local level.

Mr. Neaveill presented the monthly Agricultural Development Board report, beginning with the funds committed to the Deceased Farm Animal and Shared-Use Equipment programs.

Regarding the statewide and regional projects the board had approved for funding, Mr. Neaveill said the board had awarded \$72,500 in state funds as a cost reimbursement grant to the Kentucky Agriculture and Environment in the Classroom program, overseen by the Department of Agriculture. In the previous month, the board awarded \$71,384 to the program to buy half of a mobile science activity center. The more recent funding will be used for curricular materials. According to Senator Webb, the animal production industry is being depicted in a negative manner. In light of that, she indicated policymakers have an obligation to monitor the curriculum of the Agriculture and Environment in the Classroom program.

Mr. Neaveill said the Jessamine County FFA Alumni Association was approved for \$10,000 in Jessamine County funds for agriculture related projects to help students gain interest in and explore agricultural careers.

Kentucky Infrastructure Authority Report

Ms. Debby Milton, Financial Analyst, Kentucky Infrastructure Authority (KIA), reported on infrastructure loan and grant projects made possible with tobacco settlement funds. Ms. Milton's report covered the evolution of KIA, the regional water management council application structure, basic loan programs, legislative line item tobacco and coal development grants, the status of funding, total funding committed to water and sewer projects since 2000, examples of grant projects throughout the state, and current projects.

Representative Denham and Senator Higdon voiced concerns about the availability of water in hard-to-reach locales, such as the end of a country road. Representative Denham said people without water service have to haul their water, and he cited a large dairy as an example. Senator Higdon said he receives calls from constituents who need water service.

Ms. Milton indicated that, in those instances, it is probable that some water districts cannot justify financially extending the lines. KIA does have some grants available for water districts. Representative

Denham said a way needs to be found to accommodate those citizens.

Senator Gibson said the extension of water service in areas can have a positive effect through business creation and tax generation.

Ms. Milton said that a balance of about \$740,000 in closed-out line-item grants could be redistributed, and about half of the \$35 million budgeted by the state for existing projects could be reauthorized for other projects. She suggested that the legislature in the next session could consider redistribution of those funds.

Representative Stone asked how much of the tobacco settlement funds are used to pay debt service on water and sewer project bonds. Ms. Milton said she would provide that information.

Documents distributed during the committee meeting are available with meeting materials in the LRC Library. There being no further business, the meeting was adjourned.

GOVERNMENT CONTRACT REVIEW COMMITTEE
Committee Minutes
May 12, 2015

Call to Order and Roll Call

The Government Contract Review Committee met on Tuesday, May 12, 2015, at 10:00 AM, in Room 131 of the Capitol Annex. Representative Dennis Horlander, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Dennis Horlander, Co-Chair; Senator Paul Hornback; Representatives Jim Gooch Jr., Brad Montell, and Brent Yonts.

Guests: Jimmy Adams, Jennifer Miracle, Jackie Cecil, Natalie Gibson, Michael Whisman, Charlie Harman, and Kelly Foster.

LRC Staff: Kim Eisner, Daniel Carter, and Jarrod Schmidt.

A motion was made by Representative Yonts to approve Minutes of the April 2015, meeting of the committee. Representative Gooch seconded the motion, which passed without objection.

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

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

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

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

passed without objection.

THE FOLLOWING PERSONAL SERVICE CONTRACTS

WERE	REVIEWED	WITHOUT
OBJECTION:		
DEPARTMENT	OF	ALCOHOLIC BEVERAGE CONTROL:
Wyatt Tarrant and Combs, 1500001816.		
DEPARTMENT	OF	WORKPLACE STANDARDS:
Blue & Company, LLC, 1500001601.		
EASTERN KENTUCKY UNIVERSITY:		
Assured Neace Lukens, 16-078; Crowe Horwath, LLP, 16-079.		
EDUCATIONAL TELEVISION, KENTUCKY:		
Arroyo Research Services, 1500001704.		
FINANCE	AND	ADMINISTRATION CABINET:
Sturgill Turner Barker and Moloney, PLLC, 1500001794; Morgan and Pottinger, 1500001795; Goldberg Simpson, LLC, 1500001796; Vanantwerp Attorneys, LLP, 1500001797; Embry Merritt Shaffar Womack, PLLC, 1500001798.		
FINANCE	AND	ADMINISTRATION CABINET - DIVISION OF ENGINEERING:
Ross Tarrant Architects, Inc., 1500001377; Amec Foster Wheeler Environment & Infrastructure, Inc., 1500001833.		
JUSTICE CABINET:		
Multi, 1500001774.		
KENTUCKY LOTTERY CORPORATION:		
Bandy Carroll Hellige, 16-09-042; Goldberg Simpson, LLC, 16-11-037-2; TEK Systems, 16-11-040; Blue & Company, LLC, 16-13-029.		
MOREHEAD STATE UNIVERSITY:		
Corbin Design, Inc., 15-067.		
MURRAY STATE UNIVERSITY:		
McGrath Consulting Group, Inc., 021-15.		
NORTHERN KENTUCKY UNIVERSITY:		
GBBN Architects, Inc., 2015-684; BKD, LLP, 2015-689.		
STATE POLICE, DEPARTMENT OF:		
Bruce Kelley, 1500001970.		
TRANSPORTATION CABINET:		
GRW Engineers, Inc., 1500001818; Stantec Consulting Services, Inc., 1500001823; Greenman-Pedersen, Inc., 1500001964.		
TREASURER, OFFICE OF THE KENTUCKY STATE:		
Bryant Law Center, PSC, 1500001329.		
UNIVERSITY OF KENTUCKY:		
CMTA Inc., A151210; Bell Engineering, A151220; DDC Works, K15-238; Triad Technology Partners, LLC, K15-239; TEK Systems, K15-240; Association of Governing Boards of Universities and Colleges, K15-241; Strategic Blue Services, Ltd., K15-242; Born, LLC, K15-243; Cornerstone Government Affairs, LLC, K15-244		
THE FOLLOWING PERSONAL SERVICE AMENDMENTS		
WERE	REVIEWED	WITHOUT
OBJECTION:		
ADMINISTRATIVE OFFICE OF THE COURTS:		
Littler Mendelson, 1400003830.		
DEPARTMENT	FOR	AGING & INDEPENDENT LIVING:
Roy W. Hunter, CPA, 1400003843.		
DEPARTMENT FOR COMMUNITY BASED SERVICES:		

Public Consulting Group, Inc., 1400001238.
DEPARTMENT FOR PUBLIC HEALTH:
Laboratory Corporation of America Holdings,
1400002071; Multi, 1400002578; Matthew 25 Aids
Services Inc., 1400003150.

EDUCATION, DEPARTMENT OF:
NCS Pearson, Inc., 1400002027.
FINANCE AND ADMINISTRATION
CABINET:

Vanantwerp Attorneys, LLP, 1400003623;
Vanantwerp Attorneys, LLP, 1400003638.

FINANCE AND ADMINISTRATION
CABINET - DIVISION OF ENGINEERING:

Omni Architects, 0700003255; GRW
Engineers, Inc., 1100001420; EOP Architects,
PSC, 1200001615; Schnabel Dam Engineering, Inc.,
1200002448; ATC Associates, Inc., 1200002604;
Third Rock Consultants, LLC, 1200003126;
Paladin, Inc., 1400001412; Amec Foster Wheeler
Environment & Infrastructure, Inc., 1500000606;
Godsey Associates Architects, Inc., 1500000966;
Ross Tarrant Architects Incorporated, C-06082726.

GOVERNORS OFFICE FOR TECHNOLOGY:
Columbia Telecommunications Corporation,
1400002511.

KENTUCKY LOTTERY CORPORATION:
PDT Communications, LTD, 15-10-027.

KENTUCKY STATE UNIVERSITY:
Johnson Newcomb, LLP, 15-02.

MILITARY AFFAIRS, DEPARTMENT OF:
Public Private Solutions Group, 1400003043.

MOREHEAD STATE UNIVERSITY:
Dean Dorton Allen Ford, PLLC, 15-022.

OFFICE OF THE GOVERNOR,
DEPARTMENT FOR LOCAL GOVERNMENT:

ICF Incorporated, LLC, 1200002458.
TRANSPORTATION CABINET:

J M Crawford and Associates, Inc., 1100001188;
American Engineers, Inc., 1300000977; URS
Corporation, 1300002471; Stantec Consulting
Services, Inc., 1300002846; HMB Professional
Engineers, Inc., 1300003153; ICA Engineering,
Inc. f/k/a Florence & Hutcheson, Inc., 1400000584;
Burgess and Niple, Inc., 1400003102; L-3
Communications Corporation, 1500000368; Stantec
Consulting Services, Inc., 1500000902; American
Engineers, Inc., C-03060711-1.

UNIVERSITY OF KENTUCKY:
Lockett & Farley, A121120; Ross Tarrant
Architects Incorporated, A131170; Economic
Research Services, Inc. d/b/a ERS Group, K15-116.

WESTERN KENTUCKY UNIVERSITY:
Multi, PS141624.

THE FOLLOWING MEMORANDA OF
AGREEMENTS

WERE REVIEWED WITHOUT
OBJECTION:

DEPARTMENT FOR MEDICAID SERVICES:
Kentucky Transportation Cabinet, 1500001596.
DEPARTMENT FOR PUBLIC HEALTH:
KPHI, Inc., 1500001359.

EDUCATION, DEPARTMENT OF:
Jefferson County Board of Education,
1500001390; Kentucky School Boards Association
Educational Foundation, 1500001584; Oldham
County Board of Education, 1500001791; Casey
County Board of Education, 1500001813; Lee County
Board of Education, 1500001928; Morgan County
Board of Education, 1500001929; McCracken
County Board of Education, 1500001941.

FISH & WILDLIFE, DEPARTMENT OF:
University of Tennessee, 1500000984;
Mississippi Flyway Council, 1500001289.
INFRASTRUCTURE AUTHORITY:
City of Clay, 1500001875.
KENTUCKY RIVER AUTHORITY:
US Department of Interior Geological Survey,
1500001697.

OFFICE OF THE GOVERNOR,
DEPARTMENT FOR LOCAL GOVERNMENT:

Harlan County Fiscal Court, 1500001812;
City of Middlesboro, 1500001931; Bell County
Fiscal Court, 1500001958; City of Central City,
1500001981.

THE FOLLOWING MEMORANDA OF
AGREEMENT AMENDMENTS

WERE REVIEWED WITHOUT
OBJECTION:

AGRICULTURE, DEPARTMENT OF:
Dare to Care Food Bank, 1400001975; Feeding
America, Kentucky's Heartland, 1400001977; Gods
Pantry Food Bank, Inc., 1400001978; Purchase
Area Development District, 1400001979; Northern
Kentucky Area Development District, 1400001980;
Multi, 1500001216; Multi, 1500001218.

ALCOHOL AND DRUG COUNSELORS,
BOARD OF CERTIFICATION OF:

Occupations and Professions, 1400001211.
BOARD OF LICENSING HEARING AID
DEALERS & FITTERS:

Occupations and Professions, 1400001220.
BOARD OF PROFESSIONAL ART
THERAPISTS:

Occupations and Professions, 1400001223.
BOARD OF PROFESSIONAL
COUNSELORS:

Occupations and Professions, 1400001208.
DEPARTMENT FOR AGING &
INDEPENDENT LIVING:

NKCES, 1400001169.
DEPARTMENT FOR BEHAVIORAL
HEALTH, DEVELOPMENTAL AND
INTELLECTUAL DISABILITIES:

Lifeskills, Inc., 1400000854; Northern Kentucky
Regional Mental Health Mental Retardation Board,
1400000857; Lake Cumberland Mental Health
Mental Retardation Board, 1400000863; Bluegrass
Regional Mental Health Mental Retardation,
1400000864.

DEPARTMENT FOR COMMUNITY BASED
SERVICES:

Kentucky Association of Sexual Assault
Programs, 1400001444; Community Action of
Southern Kentucky, Inc., 1400001465; Green River
Regional Mental Health Mental Retardation Board,
1400003146.

DEPARTMENT FOR PUBLIC HEALTH:
Park Duvalle Neighborhood Health Center,
1400001426; U of L Research Foundation,
1400001615.

EDUCATION, DEPARTMENT OF:
Ohio Valley Education Coop, 1400002490;
Henry County Board of Education, 1400002497;
Jefferson County Board of Education, 1400002657;
Pike County Board of Education, 1400002663;
Kentucky Valley Education, 1400002785; Graves
County Board of Education, 1400003050; Jefferson
County Board of Education, 1400003272; Breathitt
County Board of Education, 1400003344; Corbin
Independent Board of Education, 1400003353;

Jessamine County Board of Education, 1400003561;
Mercer County Board of Education, 1400003562;
Southgate Independent Board of Education,
1400003563; Spencer County Board of Education,
1400003564; Ballard County Board of Education,
1500000016; University of Kentucky Research
Foundation, 1500000409.

GEOLOGISTS, BOARD OF:
Occupations and Professions, 1400001255.

INFRASTRUCTURE AUTHORITY:
City of White Plains, 1500001104.

KENTUCKY APPLIED BEHAVIOR
ANALYST LICENSING BOARD:

Occupations and Professions, 1400001256.
KENTUCKY BOARD OF HOME
INSPECTORS:

Occupations and Professions, 1400001176.
KENTUCKY BOARD OF LICENSURE FOR
MASSAGE THERAPY:

Occupations and Professions, 1400001215.
KENTUCKY BOARD OF PROSTHETICS,
ORTHOTICS AND PEDORTHICS:

Occupations and Professions, 1400001216.
LIBRARIES & ARCHIVES, DEPARTMENT
FOR:

Louisville Free Public Library, 1500001409.
MARRIAGE AND FAMILY THERAPISTS,
BOARD OF LICENSURE FOR:

Occupations and Professions, 1400001248.
MEDICAID SERVICES BENEFITS,
DEPARTMENT FOR:

Kentucky Transportation Cabinet, 1400001697.
OCCUPATIONAL THERAPY, BOARD OF:
Occupations and Professions, 1400001244.

OFFICE OF THE GOVERNOR,
DEPARTMENT FOR LOCAL GOVERNMENT:

City of Prestonsburg, 1300002200; Pike County
Fiscal Court, 1300002870.
PSYCHOLOGISTS, BOARD OF
EXAMINERS OF:

Occupations and Professions, 1400001219.
SPEECH-LANGUAGE PATHOLOGY &
AUDIOLOGY, BOARD OF:

Occupations and Professions, 1400001249.
TRANSPORTATION CABINET:
University of Kentucky Research Foundation,
1400002534.

VETERANS AFFAIRS, DEPARTMENT OF:
Department of Medicaid Services, 1400003745.
THE FOLLOWING PERSONAL SERVICE
CONTRACTS

WERE SELECTED FOR FURTHER
REVIEW:

EDUCATION PROFESSIONAL
STANDARDS BOARD:

Kentucky Education Association, 1500001701.
Jimmy Adams discussed the contract with the
committee. A motion was made by Representative
Yonts to consider the contracts as reviewed.
Representative Horlander seconded the motion,
which passed with Representative Montell electing
to abstain (pass).

KENTUCKY COMMUNITY & TECHNICAL
COLLEGE SYSTEM:

Gold Hill Associates, LLC, 637; Greenwood/
Asher & Associates, Inc., 638. Jennifer Miracle
and Jackie Cecil discussed the contracts with the
committee. A motion was made by Representative
Montell to consider the contracts as reviewed.
Representative Yonts seconded the motion, which

passed.

KENTUCKY COMMUNITY & TECHNICAL COLLEGE SYSTEM:

American Association of Collegiate Registrars Admissions Officers (AACRAO), 639. Jennifer Miracle, Natalie Gibson, and Michael Whisman discussed the contract with the committee. A motion was made by Representative Montell to consider the contracts as reviewed. Representative Yonts seconded the motion, which passed.

UNIVERSITY OF KENTUCKY:

DevObal Technologies, Inc., K15-237. A motion was made by Representative Yonts to defer the contract to the June meeting of the committee. Representative Montell seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE CONTRACTS FOR \$10,000

AND UNDER WERE SELECTED FOR FURTHER REVIEW:

STATE POLICE, DEPARTMENT OF:

Diamondback Specialized CMV Training, LLC, 1500001594. A motion was made by Representative Yonts to defer the contract to the June meeting of the committee. Representative Montell seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS

WERE SELECTED FOR FURTHER REVIEW:

EDUCATION, DEPARTMENT OF:

Larry Hammond, 1400003268. Charlie Harman and Kelly Foster discussed the contract with the committee. A motion was made by Representative Yonts to consider the contracts as reviewed. Representative Horlander seconded the motion, which passed with Representative Montell voting no.

With no further business before the committee, the meeting was adjourned at 10:46 a.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the April Meeting

April 14, 2015

Call to Order and Roll Call

The April meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, April 14, 2015, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Ernie Harris, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ernie Harris, Co-Chair; Representative Mary Lou Marzian, Co-Chair; Senators Perry B. Clark; and Representatives Denver Butler, Will Coursey, and Tommy Turner.

Guests: Sherman Nave, Steve Washing, Department of Revenue; Karen Waldrop, David Wicker, Department of Fish and Wildlife; Clint Quarles, Robert Stout, Department of Agriculture; Chase Bannister, Kay Kennedy, Amy Peabody, Leslie Slaughter, Department of Education; Diona Mullins, Office of Health Policy; Laura Begin, Carlene Egbert, Department for Public Health; Stuart Owen, Department for Medicaid Services; Elizabeth Caywood, Department for Community Based Services; Judy Roberts, Michael Roberts, United Bow Hunters of Kentucky; Gary Williams.

LRC Staff: Donna Little, Sarah Amburgey,

Carrie Klaber, Karen Howard, Emily Harkenrider, Emily Caudill, Ange Bertholf, and Betsy Cupp.

The Administrative Regulation Review Subcommittee met on Tuesday, April 14, 2015, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

FINANCE AND ADMINISTRATION
CABINET: Department of Revenue: Office of Income Taxation: Forms

103 KAR 3:040 & E. Income Tax Forms Manual. Sherman Nave, director of corporation taxation, and Steve Washing, director, Division of Income Tax, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE
CABINET: Department of Fish and Wildlife Resources: Game

301 KAR 2:132. Elk quota hunts, elk depredation permits, landowner cooperator permits, and voucher cooperator permits. Dr. Karen Waldrop, deputy commissioner, and David Wicker, general counsel, represented the department. Judy Roberts, member, United Bowhunters of Kentucky; Michael Roberts, legislative chairman, United Bowhunters of Kentucky; and Gary Williams, Hopkinsville sportsman, appeared in opposition to these administrative regulations.

In response to questions by Co-Chair Harris, Dr. Waldrop stated that various stakeholders made extensive efforts since 1997 to reestablish elk in the Commonwealth. There were now between 9,000 and 11,000 elk in Kentucky. The elk restoration project resulted in many successful elk hunts and new businesses, such as elk tours, elk-related artwork, and elk-related tourism. The changes to these administrative regulations pertained to increasing hunting opportunities.

In response to questions by Representative Turner, Dr. Waldrop stated that the department and stakeholders, in conjunction with former Senators Pendleton and Tapp and Representative Turner, met in 2005 or 2006 to address concerns regarding crossbow hunting and archery hunting. While the three legislators facilitated the meeting, the department and stakeholders were the actual parties to the compromise. The United Bowhunters of Kentucky, along with other sportsmen, opposed a fully concurrent crossbow-archery season on the grounds that the crossbow did not constitute archery equipment because the crossbow was a much more efficient weapon. The outcome of the meeting was an agreement for a partial, but not completely concurrent, crossbow-archery season in which there would be a portion of the season that was open to archery without the inclusion of crossbow hunting. These administrative regulations allowed crossbow hunting concurrent with the archery season for senior hunters 65 years or older.

Ms. Roberts stated that the Fish and Wildlife Commission made its determination regarding crossbow requirements based in part on incidences of wounded game. The Fish and Wildlife Commission failed to prove that incidences of wounded game would decrease with increased crossbow hunting. The department did not provide adequate

public involvement in the development of these administrative regulations.

Mr. Williams stated that he agreed with Representative Turner regarding his recollection that the 2005 or 2006 meeting was facilitated by the three legislators but that the legislators were not a party to the actual compromise. Bowhunters were opposed to these administrative regulations because there was less opportunity for archery-only hunting. Communication with the department was inadequate, especially as concerns the public comments. Mr. Williams stated that he would like the Higginson-Henry Wildlife Management Area to continue the prohibition of crossbow hunting.

Mr. Roberts stated that he had attended most Fish and Wildlife Commission meetings since 1976. The United Bowhunters of Kentucky educated youth throughout the Commonwealth on archery-related topics. The crossbow was not considered to be archery equipment, just as a modern firearm was inappropriate for use during muzzleloader season. At the meeting in 2005 or 2006, the department agreed that there would not be further incursion of crossbow hunting during the archery season. Most sportsmen were unaware of these changes. Crossbow hunters did not ask the department to make these proposed changes. The public hearing was canceled without notice, and the three Statements of Consideration did not include the full text of each comment.

Representative Turner stated that biologists had recommended that the department keep the elk hunting limit at 1,000; however, the department decided to establish the cap at 900. Elk guides had too much input on the elk limits. Representative Turner stated that he was extremely displeased with the lack of communication between the department and the sportsmen groups.

Dr. Waldrop apologized for inadequate communication and stated that the department would improve communication with stakeholders. The department included all public comments received by the published deadline in the three Statements of Consideration. The hearing was canceled, as provided in KRS Chapter 13A, because the department did not receive any notices that anyone intended to attend the public hearing. The public hearing was typically not a give-and-take type of hearing, and written public comments were of no less value than comments from the public hearing. Biologists had recommended an elk cap of 1,000; however, the department determined that there were low numbers of elk in certain limited-entry areas. The Fish and Wildlife Commission determined that elk hunting, for cows only, should be reduced in these limited-entry areas to avoid overharvesting.

In response to a question by Co-Chair Marzian, Dr. Waldrop stated that most hunters were ethical and would search for wounded game. There was not a specific time frame for such a search. Co-Chair Marzian stated that she appreciated the crossbow exemption for a senior hunter 65 years or older because such a hunter would not have the expense of getting a note from a doctor to support the exemption.

Co-Chair Harris stated that communication was clearly an issue and should be improved by all parties.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to add a citation; and (2) to amend Sections 1, 3, 5, 8, and 11 to comply with the drafting and formatting requirements

of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 2:172. Deer hunting seasons, zones, and requirements.

301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 3, 6, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

DEPARTMENT OF AGRICULTURE: Office of State Veterinarian: Division of Animal Health: Livestock Sanitation

302 KAR 20:110. Treatment of imported mares. Clint Quarles, attorney, represented the division.

In response to a question by Co-Chair Harris, Mr. Quarles stated that Kentucky experienced some confirmed infections of contagious equine metritis that led to developing these better standards, which were based on nationwide standard revisions.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to add a citation; and (2) to amend Sections 1, 2, 5, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

302 KAR 20:120. Treatment of imported stallions.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph and Section 2 to correct citations; and (2) to amend Sections 1, 2, 3, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: School Administration and Finance

702 KAR 3:320. Finance officer certification requirements. Kay Kennedy, director, and Amy Peabody, attorney, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 5, and 7 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 6 to specify the requirements for approval of continuing education courses. Without objection, and with agreement of the agency, the amendments were approved.

Instructional Programs

705 KAR 4:250. Energy technology engineering career pathway. Chase Bannister, staff attorney, and Leslie Slaughter, policy advisor, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (2) to add Section 5, Incorporation by Reference, to incorporate the Energy Technology Engineering Career Pathway

Grant Application; (3) to amend Sections 2 through 4 to specify application requirements; and (4) to amend Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Policy: Data Reporting and Public Use Data Sets

900 KAR 7:030 & E. Data reporting by health care providers. Diona Mullins, policy advisor, represented the cabinet.

Department for Public Health: Division of Maternal and Child Health: Maternal and Child Health

902 KAR 4:041. Repeal of 902 KAR 4:040. Laura Begin, regulation coordinator, and Carlene Egbert, supervisor, represented the cabinet.

Department for Medicaid Services: Division of Provider Operations: Payment and Services

907 KAR 3:017 & E. Enhanced reimbursement for preventive and wellness services. Stuart Owen, regulation coordinator, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend Section 8 to change the edition date of the material incorporated by reference; (2) to amend the Medicaid Preventive and Wellness Enhanced Fee Schedule to: (a) reorganize the schedule alphabetically by category of wellness or preventive procedure; (b) insert two more columns with enhanced rates for certain procedures; (c) insert a requirement that current procedural terminology (CPT) coding guidelines shall be followed; (d) clarify the “after hours” enhanced rate to conform with federal and CPT guidelines; and (e) add a few additional codes with corresponding enhanced reimbursement; and (3) to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Division of Family Support: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 2:015 & E. Supplemental programs for persons who are aged, blind, or have a disability. Elizabeth Caywood, internal policy analyst, represented the cabinet.

Other Business: A motion was made by Representative Butler, seconded by Representative Turner to elect Representative Mary Lou Marzian for the position of House Co-Chair for the subcommittee. Without objection, and with unanimous agreement of House members present, Representative Marzian was elected for the position of House Co-Chair.

A motion was made by Senator Clark, seconded by Senator Harris, to elect Senator Ernie Harris for the position of Senate Co-Chair for the subcommittee. Without objection, and with unanimous agreement of Senate members present, Senator Harris was elected for the position of Senate Co-Chair.

The following administrative regulations were deferred to the May 12, 2015, meeting of the Subcommittee:

GENERAL GOVERNMENT CABINET: Board of Chiropractic Examiners: Board

201 KAR 21:090 & E. Prechiropractic education requirements.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers: Motor Carriers

601 KAR 1:112 & E. Transportation network company.

Office of the Secretary: Kentucky Bicycle and Bikeways Commission: Motorcycle and Bicycle Safety

601 KAR 14:020. Bicycle safety standards.

LABOR CABINET: Labor Standards; Wages and Hours

803 KAR 1:035. Hearing procedure.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Community Based Services: Division of Family Support: Supplemental Nutrition Assistance Program

921 KAR 3:060. Administrative disqualification hearings and penalties.

The Subcommittee adjourned at 2:00 p.m. until May 12, 2015, at 1 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the May Meeting

May 5, 2015

Call to Order and Roll Call

The May meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, May 5, 2015, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Mary Lou Marzian, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ernie Harris, Co-Chair; Representative Mary Lou Marzian, Co-Chair; Senators Julie Raque Adams, Perry B. Clark, and Alice Forgy Kerr; Representatives Denver Butler and Tommy Turner.

Guests: Melissa Justice, Kentucky Education Assistance Authority; Dinah Bevington, Personnel Cabinet; David Gordon, Department of Revenue; Tony Barrett, Jane Gardner, Sherrie Long, Board of Landscape Architects; Sierra Newmann, Marcus Jones, Board of Prosthetics, Orthotics and Pedorthics; Mark Bizzell, Labor Cabinet; Dana Todd, Alcohol Beverage Control; Stephanie Brammer Barnes, Maryellen Mynear, Connie Payne, Office of Inspector General; Stuart Owen, Department for Medicaid Services; Michelle Blevins, Tanya Dickinson, Division of Behavioral Health; Victoria Eldridge, Phyllis Sosa, Department for Aging and Independent Living; Sheila Schuster, lobbyist, Kentucky Coalition of Nurse Practitioners and Nurse Midwives.

LRC Staff: Donna Little, Sarah Amburgey, Carrie Klaber, Karen Howard, Emily Harkenrider, Emily Caudill, Ange Bertholf, and Betsy Cupp.

Administrative Regulations Reviewed by the Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student and Administrative Services: Authority

11 KAR 4:080. Student aid applications. Melissa Justice, senior associate counsel, represented the division.

Grant Programs

11 KAR 5:145. CAP grant award determination procedure.

In response to questions by Co-Chair Harris, Ms. Justice stated that the amount of family contribution was based on Pell Grant calculations. The CAP grant amount varied based on fund availability and the number of eligible recipients. Prioritization was

established by the order of application submission; applicants who filed early were given priority over those who filed later.

Kentucky Educational Excellence Scholarship Program

11 KAR 15:010. Definitions for 11 KAR Chapter 15.

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

11 KAR 15:090. Kentucky Educational Excellence Scholarship (KEES) program.

PERSONNEL CABINET: Classified

101 KAR 2:102. Classified leave general requirements. Dinah Bevington, general counsel, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 9, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

101 KAR 2:105. Sick leave sharing procedures.

In response to a question by Co-Chair Marzian, Ms. Bevington stated that, for the purposes of 101 KAR 2:105 and 2:106, donating less than a full day's sick or annual leave time had in the past been an administrative problem logistically. The requirement that leave donations be in an amount not less than seven and one-half hours for an employee working a 37.5 hour work week was already established in these administrative regulations. Because some employees worked under a different system, these administrative regulations were amended to establish that leave donations shall be in an amount not less than eight hours for an employee working a 40 hour work week.

A motion was made and seconded to approve the following: (1) to amend the STATUTORY AUTHORITY paragraph to correct a citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Section 1 to make a grammatical correction. Without objection, and with agreement of the agency, the amendments were approved.

101 KAR 2:106. Annual leave sharing procedures.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to correct a citation; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220. Without objection, and with agreement of the agency, the amendments were approved.

101 KAR 2:160. Kentucky Employee Assistance Program (KEAP).

101 KAR 2:180. Employee performance evaluation system.

A motion was made and seconded to approve the following amendments: (1) to amend Section 9 to establish requirements for requesting an exception to evaluation provisions; and (2) to amend Sections 1 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Unclassified

101 KAR 3:015. Leave requirements for unclassified service.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 5, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A and for clarity. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Office of Property Valuation: Forms

103 KAR 3:030 & E. Property and Severance Forms manual. David Gordon, executive director, represented the department.

GENERAL GOVERNMENT CABINET: Board of Landscape Architects: Board

201 KAR 10:050. Fees. Tony Barrett, landscape architect and task force member for the board; Jane Gardner, executive director; and Sherie Long, landscape architect and board member, represented the board.

PUBLIC PROTECTION CABINET: Office of Occupations and Professions: Board of Prosthetics, Orthotics, and Pedorthics: Board

201 KAR 44:010. Fees. Sierra Newman, chair, and Marcus Jones, assistant attorney general, represented the board.

In response to questions by Co-Chair Harris, Ms. Newman stated that the fees had not been increased since the inception of this administrative regulation in 2013. Board expenses had increased, including increased charges to the board from the Office of Occupations and Professions. The General Assembly had not swept funds from this board. Licensees were notified of the proposed fees; however licensees did not comment on the fee increases during the public comment period.

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

LABOR CABINET: Labor Standards; Wages and Hours

803 KAR 1:035. Hearing procedure. Mark Bizzell, assistant general counsel, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to add citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served

by this administrative regulation, as required by KRS 13A.220; and (3) to amend Section 1 to: (a) clarify requirements; and (b) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Retail Premises

804 KAR 7:011. Repeal of 804 KAR 7:010. Dana Todd, staff attorney, represented the department.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Division of Health Care: Long-term Care

900 KAR 2:050. Transfer and discharge rights. Stephanie Brammer-Barnes, internal policy analyst; Maryellen Mynear, inspector general; and Connie Payne, deputy inspector general, represented the cabinet.

Department for Medicaid Services: Division of Community Alternatives: Medicaid Services

907 KAR 1:044. Coverage provisions and requirements regarding community mental health center behavioral health services. Stuart Owen, regulation coordinator, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend Section 13 to change the edition date of the material incorporated by reference; (2) to amend the Community Mental Health Center Behavioral Health Services Manual incorporated by reference to: (a) add two practitioner types (certified prevention professionals and pregnant women substance use treatment community support associates) as authorized providers of pregnant women substance use prevention services and case management services; (b) remove peer support specialists from the list of practitioners authorized to provide pregnant women substance use prevention services and case management services; (c) clarify the requirements to qualify for pregnant women substance use case management services; and (d) establish supervision requirements for pregnant women substance use preventive services; (3) to amend the STATUTORY AUTHORITY paragraph and Section 1 to correct citations; (4) to amend Section 2 to delete a fifth option for qualifying as a psychiatric nurse (possessing any level of education with American Nursing Association certification as a psychiatric or mental health nurse) because that provision was not consistent with the provisions in the manual incorporated by reference; and (5) to amend Section 7 and the material incorporated by reference to: (a) remove conflicting provisions; (b) specify that records shall also be made available for inspection and copying by a managed care organization if the recipient is enrolled in an MCO; (c) specify that the coverage of services provided by a licensed clinical alcohol and drug counselor or counselor associate is contingent and effective upon approval by the Centers for Medicare and Medicaid Services; and (d) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Division of Policy and Operations: Medicaid Services

907 KAR 1:102. Advanced practice registered nurse services.

A motion was made and seconded to approve the following amendments: (1) to amend Section 13 to change the edition date of the material incorporated by reference; (2) to amend the Physician Injectable

Drug List incorporated by reference to: (a) add injectable drugs to the list; and (b) update dosages and national drug codes (NDCs) for injectable drugs already included on the list; (3) to amend Sections 2 and 3 to correct cross-references; and (4) to amend Section 4 to correct capitalizations. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:350. Coverage and payments for organ transplants.

A motion was made and seconded to approve the following amendment: to amend Section 4 to correct a cross-reference to another administrative regulation. Without objection, and with agreement of the agency, the amendment was approved.

Commissioner's Office: Hospital Service Coverage and Reimbursement

907 KAR 10:826. Repeal of 907 KAR 10:825.

Department for Behavioral Health, Developmental and Intellectual Disabilities: Division for Behavioral Health: Mental Health

908 KAR 2:220 & E. Adult peer support specialist. Michele Blevins, assistant director, and Tanya Dickinson, regulation coordinator, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to include a definition for "training curriculum"; (2) to amend Sections 3 and 5 to add time frames for department approvals and provider notifications; and (3) to amend Sections 3 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

908 KAR 2:230 & E. Kentucky family peer support specialist.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to include a definition for "training curriculum"; (2) to amend Sections 3 and 5 to add time frames for department approvals and provider notifications; and (3) to amend Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

908 KAR 2:260 & E. Targeted case manager: eligibility and training.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to include a definition for "training curriculum"; (2) to amend Sections 3 and 4 to add time frames for department approvals and provider notifications; and (3) to amend Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Aging and Independent Living: Division of Quality Living: Aging Services

910 KAR 1:140. Appeal Procedures. Victoria Elridge, deputy commissioner, and Phyllis Sosa, staff assistant, represented the cabinet.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 and 3 to correct citations. Without objection, and with agreement of the agency, the amendments were approved.

910 KAR 1:170. Older American Act supportive services for the elderly.

A motion was made and seconded to approve

the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 1, 4, 5, 10, and 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

910 KAR 1:210. Kentucky Long-term Care Ombudsman Program.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 2, 9, 10, and 13 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

910 KAR 1:220. General admission, programs for older individuals and persons with disabilities.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (2) to amend the RELATES TO paragraph and Sections 2, 4, 5, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred to the June 9, 2015, meeting of the Subcommittee:

GENERAL GOVERNMENT CABINET: Board of Chiropractic Examiners: Board

201 KAR 21:090 & E. Prechiropractic education requirements.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 6:020. Corrections policies and procedures.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers: Motor Carriers

601 KAR 1:112 & E. Transportation network company.

Kentucky Bicycle and Bikeways Commission: Office of the Secretary: Motorcycle and Bicycle Safety

601 KAR 14:020. Bicycle safety standards.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Division of Health Care: Health Services and Facilities

902 KAR 20:091. Facilities specifications, operation and services; community mental health center. Stephanie Brammer-Barnes, internal policy analyst; Maryellen Myneer, inspector general; and Connie Payne, deputy inspector general, represented the cabinet. Sheila Schuster, lobbyist, Kentucky Coalition of Nurse Practitioners and Nurse Midwives, testified concerning 902 KAR 20:400.

902 KAR 20:400. Limited services clinics.

In response to questions by Co-Chair Harris, Ms. Payne stated that advanced practice registered nurse training included diagnosis and treatment of chronic conditions in addition to other illnesses. The cabinet was continuing to develop requirements for

limited services clinics that did not have a physician directly on site. Chart review was another issue the cabinet was still working with stakeholders to address. Ms. Myneer explained the various levels of nursing certification.

In response to a question by Senator Raque Adams, Ms. Payne stated that the cabinet began developing these requirements in 2013 after a request from Baptist Health. Multiple drafts were circulated among stakeholders; however, stakeholders had not reached a consensus. The cabinet was attempting to improve access to health care while still providing sufficient safeguards to protect public health and safety.

Ms. Schuster stated that drafts were not circulated initially to nurse practitioners and that, for that group, this process only began once this administrative regulation was actually filed. Nurse practitioners were not required to be supervised by a physician. Recent legislation changed prescribing provisions but did not address the issue of limited services clinics treating patients with chronic health conditions.

The agency requested deferral of this administrative regulation to the June 9 meeting of the Subcommittee. Without objection, and with agreement of the Subcommittee, this administrative regulation was deferred.

Department for Medicaid Services: Division of Community Alternatives: Medicaid Services

907 KAR 1:045 & E. Reimbursement provisions and requirements regarding community mental health center services.

Division of Policy and Operations: Medicaid Services

907 KAR 1:046. Community mental health center primary care services.

The Subcommittee adjourned at 1:30 p.m. until June 9, 2015, at 1 p.m.

2015 Interim

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