



INTERIM RECORD

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Legislative committee discusses vaping issue, potential solutions

by Jordan Hensley - LRC Public Information

FRANKFORT — State and federal law prohibits tobacco sales to people under the age of 21, but student advocates say this isn't enough.

Two student advocates and an internal medicine doctor testified on the issue before the Interim Joint Committee on Licensing, Occupations and Administrative Regulations on Oct. 16. Information provided to lawmakers claims 23.6% of Kentucky kids reported buying nicotine products directly from stores.

Sydney Shaffer is an American Lung Association student advocate from Scott County. She and her co-presenters asked the committee to consider legislation to provide stricter enforcement of Kentucky's tobacco laws pertaining to underage sales.

"We are here to ask you just for enforcement of the law that already exists to keep these kinds of products out of kids' hands and have thorough, regular store checks and penalties for illegal sales practices, just like we have for alcohol," Shaffer said.

She said vaping and e-cigarette marketing continues to target children.

"They are enticed with cool looking devices, cool sounding flavors and clever marketing – that is the bottom line – and they're being fed high levels of nicotine," Shaffer said, adding



Sen. Amanda Mays Bledsoe, R-Lexington, speaks on the severity of vaping among Kentucky youth during the Interim Joint Committee on Licensing, Occupations and Administrative Regulations meeting on Oct. 16.

children and teens are getting addicted to these products quickly.

Griffin Nemeth told the committee Kentucky youth e-cigarette usage is getting higher. He

is the youth advisory board coordinator for #iCANendthetrend at the University of Kentucky.

"This past year, the youth e-cigarette usage rate among Kentucky high schoolers has surpassed

Continued on page 6

Legislators learn about virtual academies during committee meeting

by Nancy Royden - LRC Public Information

FRANKFORT — Legislators on the Interim Joint Committee on Education learned about virtual academies during an Oct. 17 meeting at the Capitol Annex.

Representatives from the Kentucky Department of Education (KDE) and the Kentucky Virtual Academy of the Cloverport Independent School District were on hand to explain how the academy operates and answer questions from legislators.

Sallie Johnson, principal of the academy, said a school with virtual instruction fills a need some students and parents seek. Cloverport is the second largest town in Breckinridge County.

“This is my third year participating in a virtual school, and I love that we have options for students,” she said. “I was a past special education teacher, and what I found is a comprehensive, in-person school is not always the right fit for our children. And it is just exciting that there is this new innovative process for school students to access school through virtual learning.”

Rep. Killian Timoney, R-Nicholasville, said there is no statewide virtual academy now, but they would be well received.

Marty Park, chief digital officer for the Office of Education Technology, said Timoney is correct about the statewide virtual academy, though virtual learning has been offered in schools for several years.

“Virtual options became necessary and expanded through the pandemic. A lot of times our programs in our school districts were designed around an emergency strategy of online virtual learning,” he said. “What we’re talking about today is very much not emergency based design. It’s very much around intentional design for high quality teaching and learning.”

Rep. James Tipton, R-Taylorsville, and co-chair of the committee, asked the KDE about the number of districts that design their own program in-house vs. districts that hire a third party contractor.

Park said officials are working through the data this year, and that it’s important to track those numbers as the program matures.

“Most of our school districts across the state of Kentucky, whether it’s in-person learning or online and virtual learning, engage in partnerships with external parties,” he said. “I think what you’re referring to is, what we would call nationally, a managed school approach. Currently today, we only have one school district who’s engaged in the managed school approach.”

Rep. Tina Bojanowski, D-Louisville, said Kentucky doesn’t have a state virtual sponsored program, but with House Bill 563, effectively any virtual



Rep. Killian Timoney, R-Nicholasville, discusses virtual academies during the Oct. 17 meeting of the Interim Joint Committee on Education.

school could become statewide. She asked how that impacts Support Education Excellence in Kentucky (SEEK) money. SEEK funds are formula-driven allocations of state funds for local school districts.

Matt Ross, executive adviser for the Office of Finance and Operations, said students become pupils of the district where they’re located. For instance, if a student moved to the Cloverport district, that district would receive the SEEK funds for that student during the next funding cycle.

Sen. Stephen West, R-Paris, asked what percentage of students are learning virtually. West is also co-chair of the committee.

“From fulltime enrollment status, at end of last school year, it was about 1.8%,” Park said. Projections indicate it could be up to 3% in the next five years, he added.

Rep. Emily Callaway, R-Louisville, said she supports virtual academy learning, but also has concerns.

“I do want to emphasize a lot of what my colleagues have said. I think this is a great opportunity,” she said. “It does put back into the hands of parents some different learning environments for their kids. And so I think this is absolutely wonderful, and I appreciate the details. I do also share concerns about safety of the kids and the extracurricular activities.”



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Vaping, from page 1

that of the national rate of adult cigarette usage,” Nemeth said.

Rep. Killian Timoney, R-Nicholasville, who is an educator, said vaping is “wildly out of control.” He asked what research says about parents’ knowledge of vaping.

Nemeth said many parents understand and are concerned when their child starts using e-cigarette products, but they struggle to help their children.

Sen. Amanda Mays Bledsoe, R-Lexington, said she’s seen the severity of the vaping issue firsthand as a mother. As co-chair of the Tobacco Settlement Agreement Fund Oversight Committee, Mays Bledsoe said there’s data showing peer-to-peer enforcement has been effective and asked if the advocates would like to see an expansion of those programs.

Expansion of anti-vaping advocates in schools is difficult, Nemeth said, but they would still like to see more advocates.

“We understand that there are advocates in the schools, like Sydney, but it’s hard to find adults who are willing to stand up to this issue or feel like they’ve seen it among youth or feel that youth are the problem,” Nemeth said. “We understand that youth are not the problem. It is the marketing they’ve been subjected to.”

In closing, committee co-chair Sen. John Schickel, R-Union, said he does believe that youth do have a choice when it comes to vaping.

“We need to realize that we all have a choice, kids and adults both, to choose what we want to participate in, and we have to take responsibility for those choices, not put them on other people to take responsibility for ourselves,” Schickel said.

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

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House Set, Senate Set: Priced after
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Index

A

Administrative Regulation Review Subcommittee, 6

E

Economic Development and Workforce Investment, 8, 15

F

Families and Children, 16

G

Government Contract Review Committee, 9

J

Jail and Corrections Reform Task Force, 14
Judiciary, 17

L

Legislative Oversight & Investigations Committee, 13
Licensing, Occupations, and Administrative Regulations, 20
Local Government Annexation, 18

T

Tourism, Small Business, and Information Technology 22

V

Veterans, Military Affairs, and Public Protection, 23



Committee Meetings

CAPITAL PLANNING ADVISORY BOARD

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

Call to Order and Roll Call

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

Present were:

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

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

Approval of Minutes

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

Information Items

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

Amended Capital Plans

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

Review of Agency Capital Plans – Postsecondary Institutions

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

Eastern Kentucky University (EKU)

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

Kentucky Community and Technical College System (KCTCS)

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

Kentucky State University (KSU)

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

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

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

Morehead State University (MoSU)

Kim Oatman presented the university's capital plan.

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

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

Murray State University (MuSU)

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

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

Northern Kentucky University (NKU)

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

University of Kentucky (UK)

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

In response to questions from Senator Southworth, Ms. Martin said the \$2 billion UK Chandler Hospital expansion project would start construction within a year. The construction would need to draw funds immediately and through 2029. UK does a thorough cash draw schedule on when the funds are required. The \$800 million in agency bonds is needed to determine when funds are required to pay for the construction of the project versus when the revenue is generated to make the payments. The revenue will need to be generated for the \$800 million by the time the project is complete within a few years. Agency bonds are built into the budget with sufficient money to pay the debt service on the \$800 million once issued and when the payments would be due. The end flow of cash from the project is primarily from adding 700 beds. The additional revenue is on a timeline to

ensure the university can make all the payments for the construction and the debt service that would be due.

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

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

University of Louisville (UL)

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

Western Kentucky University

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

In response to a question from Senator Southworth, Mr. Russell stated that the Renovate Academic Complex project cost increase is due to inflation and that the original intention of renovation

had been changed to the building being razed and a new facility being built.

Other Business

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

Adjournment

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



2023 Interim

**LEGISLATIVE
RECORD**

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