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Generative AI threats to elections topic of task force

by Jordan Hensley - LRC Public Information

FRANKFORT — Generative artificial intelligence programs can clone people's faces and voices to disseminate harmful, false messages. Kentucky Secretary of State Michael Adams told the Artificial Intelligence Task Force on Oct. 8 how this technology, also known as deep fakes, harms elections.

Adams shared a quote from a Foreign Affairs Magazine article co-authored by Kansas Secretary of State Scott Schwab that resonated with him: "Specifically, generative AI will amplify cybersecurity risks and make it easier, faster and cheaper to flood the country with fake content."

Earlier this year in New Hampshire, a political consultant used AI to generate a robocall impersonating the president's voice. The call urged voters not to vote in the primary. Adams said this is one example of how generative AI is being used to undermine the electoral process.

"Should you take up AI legislation when you return in 2025, I would encourage you to consider prohibiting impersonation of election officials," Adams said. "It is illegal to impersonate a peace officer and for good reason. It should be equally illegal to impersonate a secretary of state or county clerk and put out false information in any format about our elections."

Task force co-chair Sen. Amanda Mays Bledsoe, R-Lexington, filed Senate Bill 131 during the 2024 legislative session. It would have allowed candidates to take legal action against deep fake sponsors.



Rep. Josh Bray, R-Mount Vernon, pictured in this 2024 file photo, is a co-chair of the Artificial Intelligence Task Force.

The bill was approved by the Senate, but did not become law before the end of the legislative session. Adams said he was grateful for her work.

Mays Bledsoe said she agrees that deep fake technology poses a great danger to voters, but there is "tension" between free speech and the laws.

"Do you have any thoughts on what's that balance between the free speech element and the protection of the (election) process?" she asked.

Adams said he thinks some protections can be added to the laws on impersonating public officials and others related to voter intimidation and suppression. He also mentioned the Federal Election Commission is considering a disclaimer requirement for political ads using generative AI.

"If there is a disclaimer requirement and no one is told they can't say something, I think that easily passes muster," Adams said. "There are a lot of disclaimer requirements in just a standard ad ... I think very clearly a disclaimer law is constitutional and would easily pass review."

Mays Bledsoe said disclosure was part of SB 131, but there was some criticism that disclosures are hard to read or spot in an ad.

Utilizing voice-actors is another way people can impersonate elected officials or candidates. Sen. Gex Williams, R-Verona, asked Adams if he is wants to only address AI impersonations or take on voice-actor ones as well.

"I don't think people should use any technology

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Generative AI,

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to impersonate an election official and put out false information about the elections,” Adams said, citing a chapter of state statute, KRS Chapter 119, which creates prohibitions on various harmful elections practices.

Rep. Josh Bray, R-Mount Vernon, is the other co-chair of the Artificial Intelligence Task Force. He said he thinks Adams’s policy recommendations are

“reasonable.”

“It’s something I know we’ve debated internally. We’ve had Senate bills filed, we’ve had House bills filed, and it’s very clear that this is something that’s going to be with us as technology evolves,” Bray said.

The Artificial Intelligence Task Force is a special committee tasked with studying AI systems and

how they’re being used by Kentucky government agencies and other states.

The task force will provide recommendations on how Kentucky’s use of AI systems would benefit state agencies and the legislative initiatives needed to provide consumer protection in the private and public sectors.

School safety brought to forefront during education meeting

by Nancy Royden - LRC Public Information

FRANKFORT — Legislators on the Budget Review Subcommittee on Education received an overview on Oct. 16 related to school safety, especially following budget allocations and legislative changes earlier this year.

Jon Akers, executive director of Richmond-based Kentucky Center for School Safety, and Chris Barrier, chief of police for Montgomery County Schools, testified about multi-pronged efforts to help keep schools safe and offered thanks for funding and support the center has received.

Lawmakers passed Senate Bill 2 during the most recent session of the Kentucky General Assembly.

The bill sought to boost the number of school resources officers by allowing some veterans and former police officers to serve as school “guardians.” It also called for a school mapping plan, increased trauma informed care in schools and suicide prevention measures, Akers said.

Additionally, the new state budget is helping to defray the costs of SROs, and House Bill 63 requires SROs in schools, he said.

Senate Democratic Floor Leader Gerald A. Neal, D-Louisville, asked if overall success in schools is being determined by using data, and Barrier pointed to recidivism rates.

“During the time that I have them, during this four-year time at the high school or the three years at the middle school, if they offend, can we keep them from reoffending? And I think that those are the things that are important in the long-term sense,” Barrier said.

Rep. Steve Riley, R-Glasgow, said overseeing those at schools can be daunting.

“I, like you, am a retired principal,” he said to Akers. “I know that I lost countless hours of sleep as a high school principal worrying about school safety because I felt the burden of being responsible for 1,300 students and over 100 employees. And that’s a great burden to feel.”



Senate Democratic Floor Leader Gerald A. Neal, D-Louisville, speaks Oct. 16 during the Budget Review Subcommittee on Education meeting.

Riley said approximately four of five weeks ago, his area was experiencing threats and rumors of shootings at schools. They caused the schools to have to make extremely difficult decisions.

“They had to decide whether they’re going to continue school and risk losing money because they have a large number of students that missed because parents are scared or go ahead and have or not have school and then that creates a burden for parents, teachers and everybody else,” he said.

Sen. Matthew Deneen, R-Elizabethtown, who is co-chair of the subcom-

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School safety,

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mittee, said the Kentucky Center for School Safety has been integral to the protection of staff and students, and thanked other legislators for supporting the center.

“I want to thank the members of the House and the members of the Senate and their budget committees. This year alone, I think we added an additional \$16.5 million and next year, that will be another \$18 million to help protect our students

and our staff and our schools. So, our members here value your input. We understand the importance of protecting our most precious asset, and that’s our students and our children,” he said.

Education accountability data shared with legislators

by Nancy Royden - LRC Public Information

FRANKFORT — Legislators on the Interim Joint Committee on Education heard from Kentucky’s top education officials on Oct. 15 about some of the latest numbers on student performance in Kentucky schools.

Three officials from the state Department of Education, including Commissioner Robbie Fletcher, testified on the 2024 assessment and accountability data.

Among the many numbers presented, the percentage of students performing at the proficient or distinguished levels in reading remained steady in elementary and middle schools, but ticked up one point in high school to 45%.

In math, student performance remained level in elementary school. But the percentage of students performing at the proficient or distinguished levels increased from 37% to 39% in middle school and from 33% to 35% in high school.

Kentucky experienced declines in science, however. The percentage of proficient or distinguished students fell from 35% to 34% in elementary school, from 23% to 22% in middle school and from 10% to 6% in high school, according to the presentation.

In social studies, the numbers dropped from 42% to 39% in elementary school but rose one point to 35% in middle school and remained steady in high school. The percentages for writing on-demand were level in elementary, jumped from 44% to 49% in middle and rose from 40% to 42% in high school.

Committee Co-chair Rep. James Tipton, R-Taylorsville, said there’s much data to absorb.

“It’s important for us to know the data, but I think it’s even more important for us to be able to analyze the data and make decisions about how we can move forward,” he said.

Tipton said he visited an elementary school in Anderson County yesterday, and the students in a third grade reading class were reading about vertebrates and invertebrates.

He said imbedding varying content into literacy when students are very young can benefit them.

Rep. Timmy Truett, R-McKee, is principal at McKee Elementary School in Jackson County. He said the power of positive relationships can’t be underestimated to boost student success.

“The most important thing, like you mentioned, is those relationships, especially for those kids who struggle at home, who are low socioeconomic status, who are high poverty. You got to love those kiddos. They’ll run through a wall for you if you give them a hug,” he said.

Rep. Lisa Willner, D-Louisville, agrees with Truett that good relationships between educators and students are important.



Rep. Timmy Truett, R-McKee, speaks during the Oct. 15 meeting of the Interim Joint Committee on Education.

“They’re going to be more successful, and we see that in data over and

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Committee discusses Medicaid reentry project

by Nancy Royden - LRC Public Information

FRANKFORT — Members of the Interim Joint Committee on Judiciary learned Oct. 17 about a Medicaid services reentry project designated to improve care transitions for adults and juveniles who are incarcerated.

Deputy Commissioner Leslie Hoffman and Behavioral Health Supervisor Angela Sparrow, both of the Kentucky Department for Medicaid Services, offered testimony and answered several questions from committee members.

“Kentucky has a wonderful opportunity to improve health care for incarcerated individuals and juvenile offenders. There are many challenges and needs still that we have to address in Kentucky,” Hoffman said.

Eligible populations include all adults who would be eligible for Medicaid if not for their incarcerated status in one of Kentucky’s state prisons overseen by the Kentucky Department of Corrections. This excludes state inmates housed in county jails, according to the state Department for Medicaid Services.

All adjudicated youth who would be eligible for Medicaid if not for placement in one of the state’s Youth Development Centers overseen by the state Department of Juvenile Justice could participate, according to the Department for Medicaid Services.

“Incarcerated individuals and juvenile offenders face disproportionate challenges and barriers upon reentry to society and therefore they are at higher risk for injury and death – higher than the general public,” Hoffman said.

On July 2, 2024, the Centers for Medicare and Medicaid Services approved the state Department for Medicaid Services’ 1115 reentry project application. CMS is a federal agency that administers Medicare, Medicaid and other health programs.

“This was the first opportunity of its kind to allow state Medicaid agencies across the nation to reimburse for targeted services pre-release,” Hoffman said.

The project will enhance and streamline the reentry processes by improving care coordination through systematic collaboration and ensuring continuity of care while linking justice-involved individuals to medical and



Rep. Kimberly Poore Moser, R-Taylor Mill, speaks Oct. 17 during the Interim Joint Committee on Judiciary meeting about the Kentucky Department for Medicaid Services’ Reentry Project.

behavioral health services upon their release, she said.

The Department for Medicaid Services was able to demonstrate to CMS that the project will be budget neutral and this will be monitored throughout the implementation, Sparrow said.

Rep. Kimberly Poore Moser, R-Taylor Mill, asked if the needed resources and partnerships to refer those in the program for treatment and follow-up are available.

“I’ve been working on this for eight years, so I couldn’t be happier that this has been approved. It’s been a long journey. Lots of different applications, you know, scenarios. And some of my questions have been answered, but do we know that we have all the resources and the staff in our 12 state prisons to carry this out?” she said.

Sparrow said these issues are part of the planning process that’s being built in.

“Short answer, yes, there are some staffing needs. Again, that’s through the planning process. We will plan on how to address those needs to be able to support the implementation,” she said.

Sen. Phillip Wheeler, R-Pikeville, said determining who is covered and who is not is somewhat confusing, and he noticed the “glaring omission” that inmates in county jails will not be covered.

“Generally, the largest cost for any rural county government is the maintenance of the county jail, and a very large portion of that is, in fact, the health care costs associated with managing the county jail,” he said.

Wheeler said the program could help alleviate costs that are straining rural counties, and Sparrow said they agree.

“It’s a very complex project, so again, there are many things that we need to be able to demonstrate to CMS for approval in terms of, if we think of the infrastructure, there are nearly 80 jails across Kentucky that do operate differently,” Sparrow said.

Sparrow said the department would like to eventually onboard the county

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2024 Kentucky General Assembly

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Education Accountability, from page 3

over again. And I wondered if KDE looks at all at the overlay between school climate and culture and the success of schools on these performance tests,” she said.

Fletcher said much assessment and accountability information was released in the fall to the public, but some of it was released earlier to officials at school districts so decisions can be made as soon as possible.

“There are two major components overall. One is status, and one is change. With status, you have to have two years of data before you can really incorporate change. So, the accountability for 2024 is comparable to 2023, then 2023, we use that data for change compared to 2022,” he said.

Rep. Kevin Jackson, R-Bowling Green, thanked the KDE officials for their accessibility and expressed concerns about the data.

“I guess as a career educator, I’m concerned about why we use change versus growth. Change, am I seeing this right, change is what this year’s fourth grade class does compared to last year’s fourth grade class? To me, that’s comparing apples to oranges,” he said.



Fletcher said he agrees with Jackson.

“One of the strongest pieces of data is, we need to look at student growth. And to me, a successful school is this: Where did you get the student and where did you take them?” Fletcher said.

Sen. Shelley Funke Frommeyer, R-Alexandria, asked how the growth metric can be put in place and emphasize communication with parents and others who raise children that students should not be truant.

“We expect the parents to show up, because this truancy is killing many students in my area’s future earnings potential. We’re struggling. We have some really tough, tough numbers, and these growth numbers aren’t there. So, what can we do to help you?”

Fletcher said the officials will hopefully come back to legislators in the spring to look at the next accountability model that will most likely emphasize growth. He also said professional development training investments are making a positive difference and he’d like to see them continue.

Medicaid, from page 3

jails.

Wheeler said he is also concerned about medication-assisted treatment for counseling individuals with a substance abuse disorder up to 60 days prior to their release.

“I mean, frankly, one of the most common street drugs you see in Eastern Kentucky right now is Suboxone from people going to medication-assisted treatment,” he said.

Rep. Keturah Herron, D-Louisville, said she welcomes the project.

“So, it’s exciting to hear that we as a state should be proud that we are one of the states to be part of this and the only state in the south. And so, I am very excited about the possibilities and the partnerships,” she said.

Committee Meetings

Minutes for Statutory Committees that met recently may be found at the following sites:

Interim Joint Committee on Agriculture:

https://apps.legislature.ky.gov/committees/interim/Ag/minutes_all.html

Interim Joint Committee on Appropriations and Revenue:

https://apps.legislature.ky.gov/committees/interim/A&R/minutes_all.html

Interim Joint Committee on Banking and Insurance:

https://apps.legislature.ky.gov/committees/interim/B&I/minutes_all.html

Interim Joint Committee on Economic Development and Workforce Investment:

https://apps.legislature.ky.gov/committees/interim/EDWI/minutes_all.html

Interim Joint Committee on Education:

https://apps.legislature.ky.gov/committees/interim/Education/minutes_all.html

Interim Joint Committee on Families and Children:

https://apps.legislature.ky.gov/committees/interim/IJCF&C/minutes_all.html

Interim Joint Committee on Health Services:

https://apps.legislature.ky.gov/committees/interim/IJCHS/minutes_all.html

Interim Joint Committee on Judiciary:

https://apps.legislature.ky.gov/committees/interim/Judiciary/minutes_all.html

Interim Joint Committee on Licensing, Occupations, and Administrative Regulations:

https://apps.legislature.ky.gov/committees/interim/LO&AR/minutes_all.html

Interim Joint Committee on Local Government:

https://apps.legislature.ky.gov/committees/interim/Loc_Gov/minutes_all.html

Interim Joint Committee on Natural Resources and Energy:

https://apps.legislature.ky.gov/committees/interim/NR_&_E/minutes_all.html

Interim Joint Committee on State Government:

https://apps.legislature.ky.gov/committees/interim/St_Gov/minutes_all.html

Interim Joint Committee on Tourism, Small Business, and Information Technology:

https://apps.legislature.ky.gov/committees/interim/TSBIT/minutes_all.html

Interim Joint Committee on Transportation:

https://apps.legislature.ky.gov/committees/interim/Trans/minutes_all.html

Interim Joint Committee on Veterans, Military Affairs, and Public Protection:

https://apps.legislature.ky.gov/committees/interim/Vets/minutes_all.html

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Acts of the General Assembly (2023)

Regular Session: \$80 (2 volumes)

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House Set, Senate Set: Priced after printing

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2024 Interim

LEGISLATIVE RECORD

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LEGISLATIVE RECORD

KENTUCKY GENERAL ASSEMBLY

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