



INTERIM RECORD

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2021

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2021 Kentucky General Assembly

Senate

Julie Raque Adams (36)	213 S Lyndon Lane Louisville, KY 40222 (LRC) 502-564-2450	Christian McDaniel (23)	(Home) 859-223-3274 PO Box 15231 Latonia, KY 41015 (LRC) 502-564-8100	Damon Thayer (17)	702 Capital Ave. Annex Room 242 Frankfort, KY 40601 (LRC) 502-564-2450
Ralph Alvarado (28)	3250 McClure Road Winchester, KY 40391 (LRC) 502-564-8100	Morgan McGarvey (19)	2250 Winston Ave Louisville, KY 40205 (LRC) 502-564-2470 (Home) 502-589-2780	Reginald Thomas (13)	702 Capital Ave. Annex Room 254 Frankfort, KY 40601 (LRC) 502-564-8100 (LRC FAX) 502-564-0777
Karen Berg (26)	702 Capitol Avenue Frankfort, KY 40601 (LRC) 502-564-8100	Stephen Meredith (5)	1424 Byrtle Grove Rd Leitchfield, KY 42754 (LRC) 502-564-8100	Johnnie Turner (29)	702 Capital Ave. Frankfort, KY 40601 (LRC) 502-564-8100
Jared Carpenter (34)	PO Box 100 Berea, KY 40403 (LRC) 502-564-8100	Robby Mills (4)	702 Capital Avenue Annex Room 203 Frankfort, KY 40601 (LRC/Home) 502-564-8100	Robin L. Webb (18)	102 S Hord St Grayson, KY 41143 (LRC) 502-564-8100 (Home) 606-474-5380
Danny Carroll (2)	257 Bent Creek Dr Benton, KY 42025 (LRC) 502-564-8100	Gerald A. Neal (33)	462 S 4th St Meidinger Twr, Ste. 1250 Louisville, KY 40202 (LRC) 502-564-8100 (Home) 502-776-1222 (Work) 502-584-8500 (Work FAX) 502-584-1119	Stephen West (27)	202 Vimont Ln Paris, KY 40361 (LRC) 502-564-8100
Matt Castlen (8)	702 Capital Ave Annex Room 203 Frankfort, KY 40601 (LRC) 502-564-8100	Michael J. Nemes (38)	209 Sandy Drive Shepherdsville, KY 40165 (LRC) 502-564-8100	Whitney Westerfield (3)	702 Capital Ave. Frankfort, KY 40601 (LRC) 502-564-8100
Donald Douglas (22)	702 Capital Ave. Annex Room 229 Frankfort, KY 40601 (LRC) 502-564-8100	Dennis Parrett (10)	731 Thomas Rd Elizabethtown, KY 42701 (LRC) 502-564-2470 (Home) 270-765-4565	Phillip Wheeler (31)	702 Capital Ave. Annex Room 253 Frankfort, KY 40601 (LRC) 502-564-8100
C.B. Embry Jr. (6)	PO Box 1215 Morgantown, KY 42261 (LRC) 502-564-8100 (Home) 270-526-6237	John Schickel (11)	702 Capital Ave. Annex Room 209 Frankfort, KY 40601 (LRC) 502-564-8100	Mike Wilson (32)	702 Capital Ave. Annex Room 242 Frankfort, KY 40601 (LRC) 502-564-2450
Rick Girdler (15)	702 Capital Ave Annex Room 209 Frankfort, KY 40601 (LRC) 502-564-8100	Wil Schroder (24)	702 Capital Ave Annex Room 209 Frankfort, KY 40601 (LRC) 502-564-8100	Max Wise (16)	702 Capital Ave. Annex Room 204 Frankfort, KY 40601 (LRC) 502-564-8100
David P. Givens (9)	PO Box 12 Greensburg, KY 42743 (LRC) 502-564-3120	Brandon Smith (30)	PO Box 846 Hazard, KY 41702 (LRC) 502-564-8100 (Home) 606-436-4526 (Home FAX) 606-436-4526	David Yates (37)	702 Capital Ave. Annex Room 255 Frankfort, KY 40601 (LRC) 502-564-8100
Denise Harper Angel (35)	2521 Ransdell Ave Louisville, KY 40204 (LRC) 502-564-2470 (Home) 502-452-9130	Adrienne Southworth (7)	702 Capital Ave Frankfort, KY 40601 (LRC) 502-564-8100	<p>* Members of the Kentucky General Assembly may also be contacted by calling 502-564-8100.</p>	
Jimmy Higdon (14)	344 N Spalding Lebanon, KY 40033 (LRC) 502-564-8100 (Home) 270-692-6945	Robert Stivers (25)	207 Main St Manchester, KY 40962 (LRC) 502-564-3120 (Home) 606-598-8575 (Work) 606-598-2322 (Work FAX) 606-598-2357		
Paul Hornback (20)	6102 Cropper Rd Shelbyville, KY 40065 (LRC) 502-564-8100	Brandon J. Storm (21)	702 Capital Ave Annex Room 229 Frankfort, KY 40601 (LRC) 502-564-8100		
Jason Howell (1)	702 Capitol Avenue Frankfort, KY 40601 (LRC) 502-564-8100				
Alice Forgy Kerr (12)	3274 Gondola Dr Lexington, KY 40513 (LRC) 502-564-8100				

2021 Kentucky General Assembly

House

Shane Baker (85)	702 Capital Ave Annex Room 432 Frankfort, KY 40601 LRC: 502-564-8100	Jennifer Decker (58)	702 Capital Ave. Annex Room 329A Frankfort, KY 40601 (LRC) 502-564-8100	Chris Fugate (84)	277 Right Branch Spencer Chavies, KY 41727 (LRC) 502-564-8100 (Home) 606-233-5660
Kim Banta (63)	702 Capital Ave Annex Room 329F Frankfort, KY 40601 LRC: 502-564-8100	Jonathan Dixon (11)	702 Capital Ave Annex Room 413 Frankfort, KY 40601 (LRC) 502-564-8100	Al Gentry (46)	8406 Cloverport Dr Louisville, KY 40228 (LRC) 502-564-8100
Lynn Bechler (4)	2359 Brown Mines Rd Annex Room 316C Marion, KY 42064 LRC: 502-564-8100 (Home) 270-988-4171	Jeffery Donohue (37)	PO Box 509 Fairdale, KY 40118 (LRC) 502-564-8100 (Work) 502-439-6175	Jim Gooch Jr. (12)	806 Princeton St Providence, KY 42450 (LRC) 502-564-8100 (Home) 270-667-7327 (Work FAX) 270-667-5111
Danny Bentley (98)	702 Capital Avenue Annex Room 367C Frankfort KY 40601 (LRC) 502-564-8100	Myron Dossett (9)	491 E Nashville St Pembroke, KY 42266 (LRC) 502-564-8100 (Home) 270-475-9503	Derrick Graham (57)	157 Bellemeade Dr Frankfort, KY 40601 (LRC) 502-564-5565 (Home) 502-223-1769
John Blanton (92)	702 Capital Avenue Annex Room 329H Frankfort, KY 40601 (LRC) 502-564-8100	Ryan Dotson (73)	702 Capital Ave Annex Room 432 Frankfort, KY 40601 (LRC) 502-564-8100 (Home) 859-771-3014	David Hale (74)	11 Hales Ln Wellington, KY 40387 (LRC) 502-564-8100
Tina Bojanowski (32)	702 Capital Ave. Annex Room 451E Frankfort, KY 40601 (LRC) 502-564-8100	Jim DuPlessis (25)	702 Capital Ave Annex Room 376 Frankfort, KY 40601 (LRC) 502-564-8100	Mark Hart (78)	202 W 4th St Falmouth, KY 41040 (LRC) 502-564-8100 (Home) 859-654-4278
Adam Bowling (87)	PO Box 2928 Annex Room 416B Middlesboro, KY 40965 (LRC) 502-564-8100	Daniel Elliott (54)	PO Box 2082 Danville, KY 40423 (LRC) 502-564-8100	Angie Hatton (94)	20 Ohio St Whitesburg, KY 41858 (LRC) 502-564-8100
Josh Branscum (83)	702 Capital Ave. Annex Room 357C Frankfort, KY 40601 (LRC) 502-564-8100	Joseph M. Fischer (68)	126 Dixie Place Ft Thomas, KY 41075 (LRC) 502-564-8100 (Home) 859-781-6965 (Work) 513-794-6442	Richard Heath (2)	438 Millers Chapel Rd Mayfield, KY 42066 (LRC) 502-564-8100
Kevin D. Bratcher (29)	702 Capital Ave. Annex Room 370 Frankfort, KY 40601 (LRC) 502-564-8100	Daniel Fister (56)	702 Capital Ave. Annex Room 424D Frankfort, KY 40601 (LRC) 502-564-8100	Samara Heavrin (18)	474 Mulberry St., Apt. B Leitchfield, KY 42754 LRC: 502-564-8100
Josh Bray (71)	702 Capital Ave. Annex Room 413 Frankfort, KY 40601 (LRC) 502-564-8100	Patrick Flannery (96)	702 Capital Ave. Annex Room 424F Frankfort, KY 40601 (LRC) 502-564-8100	Regina Huff (82)	179 Mountain St Williamsburg, KY 40769- (LRC) 502-564-8100 (Home) 606-549-3439
Randy Bridges (3)	375 Stonegate Drive Paducah, KY 42003 (LRC) 502-564-8100	Ken Fleming (48)	702 Capital Ave. Annex Room 432 Frankfort, KY 40601 (LRC) 502-564-8100	Thomas Huff (49)	PO Box 1331 Shepherdsville, KY 41065 (LRC) 502-564-8100
George Brown Jr. (77)	424 E Fourth Street Lexington, KY 40508 (LRC) 502-564-8100 (Home) 859-312-7513	Kelly Flood (75)	121 Arcadia Park Lexington, KY 40503 (LRC) 502-564-8100 (Home) 859-221-3107	Mary Beth Imes (5)	702 Capital Ave Annex Room 329I Frankfort, KY 40601 (LRC) 502-564-8100
Tom Burch (30)	4012 Lambert Ave Louisville, KY 40218 (LRC) 502-564-8100 (Home) 502-454-4002	Deanna Frazier (81)	702 Capital Ave. Annex Room 405C Frankfort, KY 40601 (LRC) 502-564-8100	Joni L. Jenkins (44)	2010 O'Brien Ct Shively, KY 40216 (LRC) 502-564-5565 (Home) 502-447-4324
Josh Calloway (10)	117 Dents Bridge Rd Irvington, KY 40146 (LRC) 502-564-8100 (Home) 270-863-1081	Chris Freeland (6)	702 Capital Ave. Annex Room 373C Frankfort, KY 40601 (LRC) 502-564-8100	DJ Johnson (13)	PO Box 6028 Owensboro, KY 42302 (LRC) 502-564-8100
McKenzie Cantrell (38)	702 Capital Ave. Frankfort, KY 40601 (LRC) 502-564-8100			Kim King (55)	250 Bright Leaf Dr Harrodsburg, KY 40330 (LRC) 502-564-8100 (Home) 859-734-2173
				Norma Kirk- McCornick (93)	702 Capital Avenue Frankfort, KY 40601 (LRC) 502-564-8100

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Matthew Koch (72)	702 Capital Ave. Annex Room 329E Frankfort, KY 40601 (LRC) 502-564-8100	3608 Gateview Cir Louisville, KY 40272 (LRC) 502-564-8100 (Home) 502-937-7788	Bart Rowland (21)	PO Box 336 Tompkinsville, KY 42167 (LRC) 502-564-8100
Adam Koenig (69)	170 Herrington Ct #12 Erlanger, KY 41018 (LRC) 502-564-8100 (Home) 859-653-5312	PO Box 36 Eastwood, KY 40018 (LRC) 502-564-8100	Steven Rudy (1)	350 Peppers Mill Drive Paducah, KY 42001 (LRC) 502-564-8100
Nima Kulkarni (40)	702 Capital Ave. Annex Room 429E Frankfort, KY 40601 (LRC) 502-564-8100	702 Capital Ave. Annex Room 429H Frankfort, KY 40601 (LRC) 502-564-8100	Sal Santoro (60)	12094 Jockey Club Dr Union, KY 41091 (LRC) 502-564-8100 (Home) 859-371-8840 (Home FAX) 859-371-4060
William Lawrence (70)	7018 Seth Ln Maysville, KY 41056 (LRC) 502-564-8100 (Home) 606-407-0855	PO Box 143 Independence, KY 41051 (LRC) 502-564-8100	Attica Scott (41)	702 Capital Ave Annex Room 467 Frankfort, KY 40601 (LRC) 502-564-8100
Derek Lewis (90)	702 Capital Ave. Annex Room 413D Frankfort, KY 40601 (LRC) 502-564-8100 (Home) 606-594-0061 (Home FAX) 606-672-5526	702 Capital Avenue Annex Room 416C Frankfort, KY 40601 (LRC) 502-564-8100	Scott Sharp (100)	702 Capital Ave Annex Room 424 Frankfort, KY 40601 (LRC) 502-564-8100
Scott Lewis (14)	PO Box 454 Hartford, KY 42347 (LRC) 502-564-8100	PO Box 8 Prospect, KY 40059 (LRC) 502-564-4334 (Work) 502-645-2186	Steve Sheldon (17)	702 Capital Ave Annex Room 351B Frankfort, KY 40601 (LRC) 502-564-8100
Matt Lockett (39)	702 Capital Ave. Annex Room 329 Frankfort, KY 40601 (LRC) 502-564-8100	10 Deepwood Dr Lexington, KY 40505 (LRC) 502-564-8100 (Home) 859-299-2597	Tom Smith (86)	702 Capital Ave Annex Room 405 Frankfort, KY 40601 (LRC) 502-564-8100
Savannah Maddox (61)	702 Capital Ave. Annex Room 316E Frankfort, KY 40601 (LRC) 502-564-8100	702 Capital Ave Annex Room 370D Frankfort, KY 40601 (LRC) 502-564-8100	Cherlynn Stevenson (88)	702 Capital Ave Annex Room 467 Frankfort, KY 40601 (LRC) 502-564-8100
Mary Lou Marzian (34)	2007 Tyler Ln Louisville, KY 40205 (LRC) 502-564-8100 (Home) 502-451-5032	702 Capital Ave. Annex Room 432A Frankfort, KY 40601 (LRC) 502-564-8100	Pamela Stevenson (43)	702 Capital Ave Annex Room 429A Frankfort, KY 40601 (LRC) 502-564-8100
C. Ed Massey (66)	702 Capital Ave. Annex Room 313 Frankfort, KY 40601 (LRC) 502-564-8100	702 Capital Ave Annex Room 367B Frankfort, KY 40601 (LRC) 502-564-8100	Ashley Tackett Laferty (95)	702 Capital Ave Annex Room 429C Frankfort, KY 40601 (LRC) 502-564-8100
Bobby McCool (97)	702 Capital Ave. Annex Room 357E Frankfort, KY 40601 (LRC) 502-564-8100	PO Box 411 Greenville, KY 42345 (LRC) 502-564-8100	Nancy Tate (27)	702 Capital Ave Annex Room 351A Frankfort, KY 40601 (LRC) 502-564-8100
Chad McCoy (50)	702 Capital Avenue Annex Room 324A Frankfort, KY 40601 (LRC) 502-564-2217	PO Box 47 Annex Room 405F Campbellsburg, KY 40075 (LRC) 502-564-8100	Walker Thomas (8)	2620 Cox Mill Road Hopkinsville, KY 42240 (LRC) 502-564-8100 (Home) 270-889-8091 (Home FAX) 270-885-5335
Shawn McPherson (22)	801 East Main Street Scottsville, KY 42164 (LRC) 502-564-8100	702 Capital Ave. Annex Room 467 Frankfort, KY 40601 (LRC) 502-564-8100	Killian Timoney (45)	702 Capital Ave Annex Room 405 Frankfort, KY 40601 (LRC) 502-564-8100
David Meade (80)	PO Box 121 Stanford, KY 40484 (LRC) 502-564-4334	113 N Walters Ave PO Box 8 Hodgenville, KY 42748 (LRC) 502-564-8100 (Work) 270-358-0868	James Tipton (53)	8151 Little Mount Rd Taylorsville, KY 40071 (LRC) 502-564-8100
Michael Meredith (19)	PO Box 292 Brownsville, KY 42210 (LRC) 502-564-8100	189 Blue Sky Dr Glasgow, KY 42141 (LRC) 502-564-8100	Timmy Truett (89)	702 Capital Ave. Annex Room 424C Frankfort, KY 40601 (LRC) 502-564-8100
Suzanne Miles (7)	PO Box 21592 Owensboro, KY 42304 (LRC) 502-564-2217	702 Capital Ave Annex Room 460 Frankfort, KY 40601 (LRC) 502-564-8100	Ken Upchurch (52)	PO Box 969 Monticello, KY 42633 (LRC) 502-564-8100
Charles Miller (28)				

2021 Kentucky General Assembly

Russell Webber (26)

(Home) 606-340-8490
PO Box 6605
Shepherdsville, KY 40165
(LRC) 502-564-8100

Bill Wesley (91)

702 Capital Avenue
Annex Room 432
Frankfort, KY 40601
(LRC) 502-564-8100

Susan Westrom (79)

PO Box 22778
Lexington, KY 40522
(LRC) 502-564-8100
(Work) 859-266-7581

Buddy Wheatley (65)

702 Capital Avenue
Annex Room 460
Frankfort, KY 40601
(LRC) 502-564-8100

Richard White (99)

702 Capital Ave
Annex Room 405
Frankfort, KY 40601
(LRC) 502-564-8100

Lisa Willner (35)

702 Capital Avenue
Annex Room 4291
Frankfort, KY 40601
(LRC) 502-564-8100
(Home) 502-599-7289

Vacant (42)

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Information about legislative committees is available at <https://legislature.ky.gov/Committees/Pages/default.aspx>. To view materials such as info sheets, handouts, and PowerPoint presentations that are compiled for lawmakers to review at committee meetings, click on the "Meeting Materials" tab on the left side of each committee's page.

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

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If you have a question about the lawmaking process or legislative resources, the LRC Public Information can be reached by calling 502-564-8100 ext. 59105.

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Committee Meetings

INTERIM JOINT COMMITTEE ON AGRICULTURE

Minutes of the 5th Meeting
of the 2021 Interim
November 17, 2021

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Agriculture was held on Wednesday, November 17, 2021, at 9:00 AM, in Room 154 of the Capitol Annex. Representative Richard Heath, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Paul Hornback, Co-Chair; Representative Richard Heath, Co-Chair; Senators Matt Castlen, David P. Givens, Dennis Parrett, Damon Thayer, Robin L. Webb, and Stephen West; Representatives Josh Calloway, Jonathan Dixon, Daniel Fister, Kelly Flood, Derrick Graham, Mark Hart, Mary Beth Imes, Kim King, Nima Kulkarni, Shawn McPherson, Reginald Meeks, Phillip Pratt, Felicia Rabourn, Josie Raymond, Brandon Reed, Cheryl Lynn Stevenson, Nancy Tate, Walker Thomas, and James Tipton.

Guests: Mark Haney, President, Kentucky Farm Bureau; Drew Graham, Executive Vice President, Kentucky Farm Bureau; Ryan Quarles, Commissioner, Kentucky Department of Agriculture; H.H. Barlow, Executive Director, Kentucky Dairy Development Council; Tony Troups, Advantage Capital; Jad Dowdy, Danimer Scientific; and Senator John Schickel.

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

The October 7, 2021 minutes were approved, by voice vote, without objection, upon motion of Representative Reed and seconded by Representative Pratt.

Legislative Issues:

Mark Haney, President, Kentucky Farm Bureau (KFB), laid out KFB's policy positions regarding the following:

Continue funding and support to expand broadband and high speed internet service availability throughout Kentucky.

Consider legislation relating to solar farms, require oversight of entity to entity transfers, decommissioning plans, and bonding.

Continue 50 percent allocation of Master Settlement Agreement Fund to Agricultural Development Board for the purpose of improving net farm income of individual farmers

in production agriculture.

Reform Kentucky tax code and maintain agricultural sales tax exemptions for production agriculture.

Support the provisions of House Bill 44 (KRS 132.010), limiting revenue from property taxes to 4 percent plus new growth.

Support adequate funding for rural secondary and county roads.

Support adequate funding to the Kentucky Department of Agriculture.

In response to Senator Hornback, Mr. Haney said that when solar energy issues are brought up at the county level, landowners, adjoining landowners, and others want answers regarding private property rights. Regulations and oversight are critical.

Senator Hornback said that this may be a good time to start talking about a funding mechanism for the Purchase of Agricultural Conservation Easement (PACE) program to help preserve and protect valuable farm land from any broad-based projects such as solar. Senator Hornback asked if KFB would support a policy that would charge a broad-based impact fee, per acre, for all lands taken out of agriculture use. In response to Senator Hornback, Mr. Haney said that KFB does not have a policy stance on such a fee.

In response to Representative Thomas, Mr. Haney said that KFB is waiting to see the distribution plan of monies received from the federal government for broadband expansion.

Representative Pratt noted that another issue to watch for is how the Waters of the United States (WOTUS) rule will adversely impact every farmer in the United States. In addition, he stated that farmers are suffering financially from the rising cost of fertilizer and chemicals. In response, Mr. Haney stated that KFB is working in tandem with American Farm Bureau Federation in discussing the impact of the proposed WOTUS rules.

Senator West stated that solar energy will be one of the most important issues discussed during the 2022 Regular Session. At this time there are 30,000 acres slated for solar projects.

In response to Representative Tipton, Mr. Haney said that KFB was not aware of a meat processing plant proposal in Western Kentucky until the announcement was made that the company chose to locate in Missouri.

Ryan Quarles, Commissioner, Kentucky Department of Agriculture (KDA), stated that 2021 had been a good year for agriculture production. The number of show exhibitors and animals at the State Fair and the North American International Livestock

Show were up substantially. KDA submitted its legislative proposals for the 2022 Regular Session as follows:

Support adequate funding for the Department of Agriculture's operating budget to include staff salary increases.

Direct American Rescue Plan Act of 2021 funds to include the following: food bank purchases of proteins for distribution, establish a grant program for food banks to purchase shelving, storage, etc., update Future Farmers of America (FFA) facilities, and allocate funding for county fair facility renovations.

Modernize motor fuel statutes.

Modernize amusement ride statutes.

Encourage Congress to consider research and farm practices in drone technology legislation.

Commissioner Quarles said that approximately \$7 million had been invested in 30 meat processing plants across Kentucky. He said that Chaney's Dairy is now selling milk to 41 Kroger stores.

Representative Graham said it was his understanding that the American Food Group processing plant proposal in Hopkinsville failed because it was not supported by the local community. Commissioner Quarles stated that the project failed because local leadership was excluded and untrue rumors were abundant. Also, the project failed to include key groups such as the Kentucky Cattlemen's Association and KDA. Senator Webb noted that communities and local and state officials need to be educated on agricultural projects, especially those like the meat processing plant. There are many anti-agriculture groups who thrive on releasing false information to the public.

Mr. Tony Toups, Advantage Capital and Jad Dowdy, Danimer Scientific, discussed ways to increase capital for small businesses in rural Kentucky. Their recommendations were:

Support the Kentucky Rural Jobs and Opportunity Fund; incentivizing investors and access to capital to rural businesses.

Model language from the federal New Markets Program and Opportunity Zone legislation.

H.H. Barlow, Executive Director, Kentucky Dairy Development Council (KDDC), said that the three main goals of KDDC are to improve farmer profitability, improve the quality of milk, and encourage farmers to adopt and implement the latest technology through education and involvement opportunities. Despite losing two-thirds of dairy farms over the last 15 years, Kentucky's dairy farmers are contributing \$175 million to the agricultural economy. He said that over the last five years, Kentucky has lead the nation in milk production per cow. He said that there is an interest from large dairies in capturing methane from manure, but that discussion is in the beginning stage. Mr. Barlow recommended the following partnerships to help promote and recruit large dairy operations to

Kentucky:

Encourage partnerships with the Department of Agriculture, Cabinet for Economic Development, Agricultural Development Board, and industry representatives.

Representative Heath stated that the Rural Jobs and Opportunity Fund could play a role in agriculture expansion.

Representative McPherson said that the public will need to be educated on the agricultural benefits of bringing large dairies into the state. He said that one of the biggest obstacles will be the Environmental Protection Agency (EPA).

Senator West stated that there are new federal regulations coming out pertaining to methane.

Senator Schickel discussed 2022 RS: BR 490 regarding labeling requirements for fresh produce. He asked for support in requiring retail food stores to include the meteorological season, year, and state in which produce is harvested.

Senator Hornback mentioned that retail stores in Kentucky have done a great job in promoting Kentucky Proud products. Consumers are increasingly demanding to know where their food products are coming from.

Representative Heath stated that he and others are looking at drafting legislation asking for the inclusion of the Commissioner of Agriculture or Kentucky Farm Bureau in economic development projects relating to agriculture.

Meeting adjourned.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE

Budget Review Subcommittee on Economic Development, Tourism, and Environmental Protection

Minutes of the 5th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The fifth meeting of the Budget Review Subcommittee on Economic Development, Tourism, and Environmental Protection of the Interim Joint Committee on Appropriations and Revenue was held on Tuesday, November 16, 2021, at 9:00 AM, in Room 154 of the Capitol Annex. Senator Matt Castlen, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Matt Castlen, Co-Chair; Representative Lynn Bechler, Co-Chair; Senators Morgan McGarvey, Wil Schroder, and Brandon Smith; Representatives Al Gentry, David Hale, Savannah Maddox, and Russell Webber.

Guests: Dr. Kris Williams, Chancellor, Kentucky Community and Technical College System; Dr. Phil Neal, President, Southcentral Kentucky Community

and Technical College; Dr. Scott Williams, President, Owensboro Community and Technical College; David Horseman, Associate Commissioner, Office of Career and Technical Education, Kentucky Department of Education; Leslie Slaughter, Policy Advisor, office of Career and Technical Education, Kentucky Department of Education; Katie Smith, Secretary and Commissioner of Finance, Cabinet for Economic Development; Kristina Slattery, Deputy Commissioner of Business Development, Cabinet for Economic Development; Senator Damon Thayer, Majority Floor Leader, District 17; Hank Phillips, President and CEO, Kentucky Travel Industry Association.

LRC Staff: Sara Rome, Kevin Newton, Joseph Holt, and Amie Elam

The minutes from September 4, 2021, were approved in their entirety.

Kentucky Tourism: Recovery and Investment

Hank Phillips and Senator Thayer discussed the Kentucky tourism recovery and investment proposal. The presentation included information on the need and opportunities for American Rescue Plan Act funds.

In response to a question from Representative Bechler, Senator Thayer said that it is not the job of the government to tell businesses how to operate. Mr. Phillips added that the Kentucky Travel Industry Association would not dictate that funds be withheld from businesses with vaccine mandates.

Advertising to Meet Workforce Needs

Representatives from the Kentucky Community and Technical College System (KCTCS) gave a presentation focusing on matching workforce supply to industry demand. The presentation included information about Work Ready, apprenticeships, and job placement programs.

In response to a question from Representative Bechler, Dr. Kris Williams said that KCTCS is satisfied with the state funding model. Dr. Neal and Dr. Scott Williams added that performance-based funding is working well for their universities. Dr. Scott Williams said that he hopes the model will remain well funded.

In response to a question from Representative Hale, Dr. Kris Williams answered that tuition is the same for every college across the system. She added that in-state tuition is offered for online courses.

Student Career Pathways

David Horseman and Leslie Slaughter from the Kentucky Department of Education gave a presentation about student career pathways. The presentation included a historical look at vocational education and an update on workforce alignment efforts.

Kentucky's Workforce Training Needs

Katie Smith and Kristina Slattery from the Cabinet

for Economic Development spoke to the committee about training needs for Kentucky's workforce. Recruitment efforts, top industries, and wage growth statistics were included in the presentation.

There being no further business to come before the subcommittee, the meeting adjourned at 10:47 a.m.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Education

Minutes of the 6th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The 6th meeting of the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations & Revenue was held on Tuesday, November 16, 2021, at 11:00 AM, in Room 154 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representatives James Tipton, Co-Chair, and Steve Riley, Co-Chair; Senators Alice Forgy Kerr, and Dennis Parrett; Representatives Kim Banta, Tina Bojanowski, Randy Bridges, Ken Fleming, Kelly Flood, Derrick Graham, Regina Huff, Bobby McCool, and Charles Miller.

Guests: Chelsey Couch, Executive Director, School Facilities Construction Commission; Kristi Russell, Financial Analyst, School Facilities construction Commission; Dr. Aaron Thompson, President, Council on Postsecondary Education; Travis Powell, Vice President and General Counsel, Council on Postsecondary Education; Clara Ross Stamps, Acting President, Kentucky State University; Greg Rush, Vice President for Finance and Administration, Kentucky State University.

LRC Staff: Jennifer Krieger, Savannah Wiley, Liz Columbia, and Amie Elam

The minutes from October 6, 2021, were approved in their entirety.

School Facilities Construction Commission

Chelsey Couch and Kristi Russell spoke to the committee about school district facility needs. The presentation included information about the state of emergency assistance fund that is being used to help school districts rebuild after FEMA money has been fully expended.

In response to a question from Representative Bojanowski, Ms. Couch said that for some districts the biggest monetary challenge is the local tax base. In Eastern Kentucky, as a result of a smaller tax base to collect on, the contribution to school districts is much less than other parts of the state. She said that the current cost of construction plays a role in which maintenance projects can be completed. Ms. Couch

agreed to provide information on Jefferson County's unmet needs.

In response to a question from Representative Tipton, Ms. Couch said that smaller districts reduced bonding capacity is taken into consideration when it comes to the local match they are required to collect. Ms. Couch said there is \$6 billion in unmet facility needs across the commonwealth.

Kentucky State University Update (KSU)

Dr. Aaron Thompson, Travis Powell, Clara Ross-Stamps, and Greg Rush provided the committee with an update on the financial status of Kentucky State University.

In response to a question from Chair West, Mr. Powell said that they were unable to replicate audited financial statements or working papers to verify the numbers being reported by KSU. Mr. Rush said that the internal auditor left in 2017. He said a request for proposal (RFP) was submitted but not completed to fill the position. Mr. Powell said that Council on Postsecondary Education (CPE) recommends the auditor function be outsourced. Mr. Rush said that outsourcing the audit function will allow KSU to gain a broader set of skills and experts.

In response to a question from Representative Fleming, Dr. Thompson said that CPE is not only looking at the financial health of KSU. He said CPE is looking at academic and student success structures. Mr. Rush added that excellent reporting and transparency with the board is imperative to ensuring KSU is never in this position again. He said the board and CPE must have faith in what is reported by the university.

In response to a question from Representative Tipton, Dr. Thompson said that CPE serves as a coordinating board that cannot look deeply into each university's finances. He added that the hope is that each university is transparent with reporting. Mr. Rush said that the financial change from 2018 to 2019 went unnoticed because only the net positions were being reviewed. He added that the financial information the board was receiving was both delayed and disorganized.

In response to a question from Chair West, Mr. Rush said that in March of 2019 KSU began to draw from a revenue anticipation note. Ms. Ross-Stamps said the board was not made aware of any financial troubles at this time. She said the borrowing was explained as part of construction project needs.

In response to a question from Representative Bridges, Mr. Rush said that there has not been any evidence of missing money or criminal activity. He added that there was evidence of mismanagement and overspending.

In response to a question from Representative Thomas, Dr. Thompson said that there is an independent audit conducted at KSU annually. Dr. Thompson said that CPE will recommend that KSU be required to present the independent audit findings

and additional financial information to the General Assembly for the foreseeable future.

There being no further business to come before the subcommittee, the meeting was adjourned at 12:40 p.m.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE

Budget Review Subcommittee on General Government,

Finance, Personnel, and Public Retirement

Minutes of the 6th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The sixth meeting of the Budget Review Subcommittee on General Government, Finance, Personnel, and Public Retirement of the Interim Joint Committee on Appropriations and Revenue was held on Tuesday, November 16, 2021, at 9:00 AM, in Room 131 of the Capitol Annex. Senator Michael J. Nemes, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Michael J. Nemes, Co-Chair; Representatives John Blanton, Co-Chair, and Myron Dossett, Co-Chair; Senators Robby Mills, Adrienne Southworth, and Reginald Thomas; Representatives Kevin D. Bratcher, Jeffery Donohue, Jim Gooch Jr., Derrick Graham, Adam Koenig, Michael Meredith, Suzanne Miles, Jerry T. Miller, Phillip Pratt, Nancy Tate, and Buddy Wheatley.

Guests: Tom McDaniel, Director, Division of Motor Carriers, Kentucky Transportation Cabinet (KYTC); Mary Cook, Assistant Director, Department of Vehicle Regulation, KYTC; Shellie Hampton, Director of Government Affairs, Kentucky Association of Counties (KACO); Keith Griffie, Chief Financial Officer, Community Development Director, Bullitt County Fiscal Court; Bryanna Carroll, Director of Public Affairs, Kentucky League of Cities (KLC); Major Nathan Day, Director Commercial Vehicle Enforcement, Kentucky State Police (KSP); Mary Pat Regan, Acting Secretary, Education and Workforce Development Cabinet (EWDC); Michelle DeJohn, Executive Director, Employer and Apprenticeship Services, EWDC; Lori Stewart Gonzalez, Executive Vice President, University Provost, University of Louisville (UofL); and, Kyle Hurwitz, Director of Military Initiatives, Office of the President, UofL.

LRC Staff: Christa Burton, Emma Mills, Justin Perry, David Talley, and Spring Emerson.

Approval of Minutes

Representative Koenig made a motion to approve the minutes of the October 6, 2021 meeting. The motion was seconded by Representative Bratcher, and was

approved without objection by voice vote.

Overweight Vehicles

Tom McDaniel and Mary Cook provided information on Overweight and Over-dimensional (OW-OD) vehicles.

In response to a question from Co-Chair Blanton regarding damage to bridges, Ms. Cook said the person hitting the bridge and causing the damage would be held responsible for the cost of necessary repairs.

In response to questions from Representative Graham regarding teleworking and job performance, Ms. Cook said some of the employees in their department are currently rotating three days in the office and teleworking two days each week. However, there are some positions with duties that require employees to be present in the office at all times. During the pandemic, there were approximately thirty percent in-house at all times, and now, approximately eighty percent of the employees are currently working in-house full-time. Teleworking is monitored, and the reports show there has been no decrease in performance. She added that the OW-OD staff could possibly telework all the time, due to the work being performed online.

In response to a question from Chair Nemes regarding vehicle permits, Ms. Cook said they are on file in their system, and can be accessed through use of the Open Records Act.

In response to a question from Chair Nemes regarding enforcement responsibilities, Ms. Cook said the KSP and Commercial Vehicle Enforcement largely enforce those commercial trucks; however, local law enforcement agencies also have authority. If a carrier is caught in violation of their permit, any enforcement agency has the authority to pull the permits to shut down the carrier until compliance is achieved.

In response to a question from Chair Nemes regarding collections for damages, Ms. Cook said she will check with the Bridge Preservation Office, who track that information. The requested information will be provided at a later date.

Ms. Hampton and Mr. Griffie provided information regarding the effects of OW-OD vehicles on county roads.

In response to a question from Representative Wheatley regarding the reason Bullitt County is undercounted in census data, Mr. Griffie said some of their population numbers were counted in the 2010 Census as being in Jefferson County, due to certain areas sharing the same zip code. In addition, Mt. Washington may have been undercounted due to having very fast growth, as high as 98 percent. Mt. Washington could be the fastest-growing city in Kentucky.

In response to a question from Representative Donohue regarding the bond requirement for subdivisions, Ms. Hampton said there is a bond requirement, but there have been occasions when the

subdivision was not completed.

Ms. Carroll provided testimony regarding the effects of OW-OD vehicles in cities. There were no questions.

Major Day provided information on the enforcement of laws applying to OW-OD vehicles. Any peace officer may enforce weight and dimension laws within their jurisdiction, if they believe a violation has taken place. If a violation has occurred, any officer may cause the excess load to be removed, and/or cite the driver for the violation. Refusal to be measured or weighed is also a violation. The person held responsible is the driver of the vehicle, who is the person operating the vehicle that is in violation of the law. Any member of the public can contact any law enforcement agency to request an investigation of potential weight or dimensional violations. Chair Nemes commented that the KSP are out on the expressways most of the time and they try to be available to assist inside counties and cities when requested; however, there is a lack of funding and manpower.

Employer and Apprenticeship Services

Acting Secretary Regan and Ms. DeJohn provided information on the Office of Employer and Apprenticeship Services (OEAS) within the Education and Workforce Development Cabinet.

Representative Pratt expressed his appreciation and support for the Apprenticeship program.

Chair Nemes commented that the Kentucky Center for Statistics (KYSTATS) does a great job and he believes their services are underutilized. He asked if the plan is to move OEAS back into the Labor Cabinet, and Ms. Regan replied that they are looking at various options to become more efficient and streamline their processes to provide better services to citizens of the Commonwealth.

Chair Nemes asked about the temporary transfer of employees to Unemployment Insurance during the COVID-19 pandemic. Ms. DeJohn said they have a dedicated staff who juggled their duties to help out during the pandemic, and were able to grow their programs during that time.

Chair Nemes inquired about the number of new programs and occupations, and how funds allotted by the General Assembly are used. He asked that the information be provided at a later date, due to time constraints.

In response to a question from Representative Graham regarding the number of teleworking employees in Frankfort, Ms. Regan said their office has had employees working in the office three days a week, and teleworking the other two days throughout the pandemic, and have continued that schedule successfully. She said they have been even more productive as a result. More information will be provided at a later date.

Military Connected Students

Dr. Gonzalez and Mr. Hurwitz provided information

on the Military Initiatives program offered at the University of Louisville. Representative Bratcher commented that this is a great opportunity for military connected students.

Adjournment

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

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Human Resources

Minutes of the 6th Meeting of the 2021 Interim November 16, 2021

Call to Order and Roll Call

The 6th meeting of the Budget Review Subcommittee on Human Resources of the Interim Joint Committee on Appropriations & Revenue was held on Tuesday, November 16, 2021, at 11:00 AM, in Room 129 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Danny Bentley, Co-Chair; Senators Julie Raque Adams, Ralph Alvarado, Karen Berg, and Danny Carroll; Representatives Adam Bowling, Deanna Frazier, Kimberly Poore Moser, Melinda Gibbons Prunty, Steve Sheldon, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Mackenzie Wallace Longoria, Director of Public Policy, Alzheimer's Association, Greater Kentucky and Southern Indiana Chapter; Tom Miller, Chief Executive Officer, University of Louisville Health; Ken Marshall, Chief Operating Officer, University of Louisville Health; Katie Smith, Deputy Secretary and Commissioner, Cabinet for Economic Development; Dr. Mary Lloyd Moore, Ph.D., Clinical Director, Susan Vitale Clinical Education Complex, Western Kentucky University; David Wheeler, Director, LifeWorks@WKU Program, Western Kentucky University; John Kelly, Founder, Kelly Autism Program; Kimmie Ishmael, Policy Campaign Coordinator, Community Farm Alliance; Ted Johnson, Farmer, South Fork Farms; and Karissa Arnold, Farmer, Elkhorn Oak Farms.

LRC Staff: Miriam Fordham, Kevin Newton, and Benjamin Thompson

Approval of Minutes

Representative Westrom moved to approve the minutes from the October 6, 2021 meeting of the subcommittee. Senator Carroll seconded the motion and the minutes were approved without objection.

Funding for Dementia Services

Ms. Longoria provided an overview on funding for

dementia services.

In response to a question from Representative Westrom, Ms. Longoria noted that she does not believe funding for dementia services has ever been a specific line item in the budget bill.

Update of University of Louisville Hospital Loan

Mr. Miller and Mr. Marshall provided an update on the status of University of Louisville (UofL) Health.

In response to a question from Representative Moser, Mr. Miller noted that UofL Health is fifty nurses short of a full staff. Mr. Miller stated that he believes the best way to address nursing shortages is through the university system. Mr. Miller noted that UofL health has had to hire three hundred and fifty international nurses.

In response to a question from Representative Sheldon, Mr. Miller confirmed that UofL Health utilizes incentives for rural healthcare providers. Mr. Miller noted that UofL health would need more residency programs to expand incentives, but that the number of residency programs have been capped by the federal government.

In response to a question from Senator Alvarado, Mr. Marshall noted that UofL Health had lost some nurses to travel nursing programs.

Funding for Services for Young Adults with Autism Spectrum Disorder

Dr. Moore, Mr. Wheeler, and Mr. Kelly provided information regarding services for young adults with Autism Spectrum Disorder.

In response to a question from Representative Willner, Dr. Moore noted that her hope is that others would replicate the LifeWorks@WKU model for other programs through the commonwealth.

In response to questions from Senator Carroll, Mr. Wheeler noted that there were 10 individuals enrolled in the LifeWorks@WKU bridge program. Dr. Moore committed to providing financial statements if LifeWorks@WKU were to receive general fund contributions for the purpose of enabling the program to ramp up to full capacity.

Funding for Food Access Programs

Ms. Ishmael, Mr. Johnson, and Ms. Arnold provided information regarding Food Access Programs and the importance of encouraging low income Kentuckians to maintain healthier diets.

There being no further business before the subcommittee, the meeting was adjourned at 12:58 PM.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Justice and Judiciary

Minutes of the 6th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The 6th meeting of the Budget Review Subcommittee on Justice and Judiciary of the Interim Joint Committee on Appropriations & Revenue was held on Tuesday, November 16, 2021, at 9:00 AM, in Room 129 of the Capitol Annex. Senator Danny Carroll, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Joseph M. Fischer, Co-Chair; Senators John Schickel and Robin L. Webb; Representatives McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Angie Hatton, C. Ed Massey, and Jason Nemes.

Guests: Kevin Rader, Administrative Division Assistant Director, Department of Criminal Justice Training; Lieutenant Colonel Larry Newton, Executive Director, Office of Technical Services, Kentucky State Police; and Brandon Marshall, Staff Assistant, Communications Branch, Kentucky State Police.

LRC Staff: Perry Papka, Zachary Ireland, and Benjamin Thompson

Approval of Minutes

Co-Chair Fischer moved for the approval of the October 6, 2021 meeting of the subcommittee. Representative Nemes seconded the motion, and the minutes were approved without objection.

Update on the Kentucky Law Enforcement Foundation Program Fund (KLEFPF)

Mr. Rader provided an overview of the status of the KLEFPF.

In response to a question from Chair Carroll, Mr. Rader noted that the stipend for officers would increase by \$600. Mr. Rader noted that the balance of the fund was \$42,445,350.

In response to a question from Representative Nemes, Mr. Rader confirmed that Louisville Metropolitan Police Officers are eligible to receive the stipend.

In response to a question from Co-Chair Fischer, Mr. Rader stated that the cost of a new indoor firing range was estimated to be \$28,535,900.

Update on the Emergency Radio Replacement System

Lieutenant Colonel Newton and Mr. Marshall provided an overview of the progress being made in replacing the current emergency radio system.

In response to questions from Chair Carroll,

Lieutenant Colonel Newton noted that \$67 million of the \$87 million dollar allotment for the project had been spent. Mr. Marshall noted that upon completion of phase two of the project, radio equipment would be upgraded from the westernmost part of the state to the Interstate 75 corridor. Mr. Marshall noted that the Kentucky State Police (KSP) is attempting to utilize radio towers that are already owned by the commonwealth, using Kentucky Education Television towers as an example.

In response to questions from Representative Nemes, Lieutenant Colonel Newton stated that KSP was looking at all options to utilize federal funding. Mr. Marshall noted that the new radio system utilized encryption software to increase office safety and operational privacy.

There being no further business before the subcommittee, the meeting was adjourned at 10:06 AM.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE

Budget Review Subcommittee on Transportation

Minutes of the 5th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The fifth meeting of the Budget Review Subcommittee on Transportation of the Interim Joint Committee on Appropriations and Revenue was held on Tuesday, November 16, 2021, at 11:00 AM, in Room 131 of the Capitol Annex. Senator Jimmy Higdon, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Sal Santoro, Co-Chair; Senators Johnnie Turner, Robin Webb, and Mike Wilson; Representatives Chris Fugate, Samara Heavrin, Thomas Huff, Shawn McPherson, Phillip Pratt, Rachel Roberts, Cherlynn Stevenson, and Ken Upchurch.

Guests: Amanda Spencer, Innovative Finance Manager, Kentucky Transportation Cabinet (KYTC); Jason Siwula, Assistant State Highway Engineer, KYTC; and, Gary Moore, Boone County Judge-Executive.

LRC Staff: Emma Mills, Justin Perry, and Spring Emerson.

Approval of Minutes

A motion was made by Representative Pratt to approve the minutes of the September 24, 2021 meeting. The motion was seconded by Representative Heavrin, and was approved without objection by voice vote.

Louisville Bridges Overview

Ms. Spencer provided an overview of the Louisville-

Southern Indiana Ohio River Bridges (LSIORB) project.

In response to a question from Representative Pratt regarding the time limit for tolls, Ms. Spencer said when the bonds are paid off, toll charges will end.

In response to a question from Chair Higdon regarding the percentage of the tolls received for operations by the company collecting the money, Ms. Spencer said more information will be provided at a later date.

Highway Safety

Mr. Siwula provided an overview of Highway Safety.

In response to a question from Chair Higdon regarding total funds spent in 2021, Mr. Siwula said there was a state matching requirement for some of the funds, but some funding was subject to other rules and regulations.

In response to a question from Chair Higdon regarding pedestrians and bicyclists, Mr. Siwula replied that those death numbers are included in the total number of highway deaths. He added that highway death data is analyzed annually, and more information will be provided at a later date.

Transportation Improvement Districts

Co-Chair Santoro and Judge Moore provided information on Transportation Improvement Districts (TIDs).

Senator Wilson commented that there is a very successful Tax Increment Financing (TIF) district in Warren County, and he asked how the TID would work. Mr. Moore explained that a TIF is a special funding tool that allows local governments to invest in public infrastructure and other improvements up front, with the local government paying later for those investments. He said a TIF is more restrictive, and a TID is a fiscal agreement between various partners to raise revenue for infrastructure projects within a defined geographic area. TIDs are governed by a board whose job is to identify priority improvements, oversee financing, construction, maintenance, and repair of highways and roads. TIDs must capture funding through taxes, tolls, or other fees. Revenue raised from these taxes or fees is returned to the city or county transportation improvement fund. Ohio has been using TIDs successfully for approximately twenty years, and they are being used more and more in other states.

In response to a question from Representative Pratt regarding improvements, Co-Chair Santoro said improvements such as roads, water and sewer projects, and broadband can be made but only within the boundary defined by the TID.

In response to a question from Representative McPherson regarding imminent domain, Mr. Moore said one would need to go back to the elected body to get imminent domain declared, which would be the city or county that it is in, or the highway cabinet

issuing imminent domain.

In response to a question from Chair Higdon regarding a governing body, Co-Chair Santoro replied that it would be a separate entity, but with input from city or county elected officials.

In response to a question from Senator Turner regarding funding, Co-Chair Santoro said there is nothing to prohibit the officials from requesting funds from the General Assembly. Mr. Moore added that in Ohio, the TIDs have been so successful that when the state of Ohio is preparing its transportation plans, it will allocate up-front money to the TIDs to do certain things in that biennium. The blended funds make the state funds go further, and in some cases can be renewable.

In response to questions from Representative Roberts regarding Ohio having examples of the TID not working, Co-Chair Santoro said there were no failures in Ohio. He added that a TID is faster than going through the Six-Year Road Plan. Mr. Moore said lenders make sure that protections are built in.

Adjournment

Chair Higdon introduced Morgan Cecil as the newest Senate Transportation staff person, who is taking the place of Laura Beth Long.

There being no further business before the subcommittee, the meeting was adjourned at 11:52 AM.

INTERIM JOINT COMMITTEE ON BANKING AND INSURANCE

Minutes of the 4th Meeting of the 2021 Interim

November 9, 2021

Call to Order and Roll Call

The 4th meeting of the Interim Joint Committee on Banking and Insurance was held on Tuesday, November 9, 2021, at 11:00 AM, in Room 154 of the Capitol Annex. Representative Bart Rowland, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Bart Rowland, Co-Chair; Senators Julie Raque Adams, Ralph Alvarado, Rick Girdler, Jason Howell, Morgan McGarvey, Dennis Parrett, and Brandon J. Storm; Representatives Danny Bentley, Joseph M. Fischer, Patrick Flannery, Deanna Frazier, Jim Gooch Jr., Angie Hatton, Norma Kirk-McCormick, Nima Kulkarni, Derek Lewis, Shawn McPherson, Michael Meredith, Rachel Roberts, Sal Santoro, Tom Smith, Cherlynn Stevenson, Ken Upchurch, and Susan Westrom.

Guests: Sharon Clark, Commissioner, Department of Insurance; Shaun Orme, Executive Advisor, Department of Insurance; Melissa Cahill, Chair, Kentucky Eating Disorder Council; Justin Wallen, Business Manager, Louisville Center for Eating

Disorders; Dr. Andrea Krause, MD, Norton Children's Hospital; Ruby Jo Lubarsky, Caregiver; Chris Brady, Senior Vice President and General Counsel, Air Methods; Elizabeth Ward, Regional Director of Kentucky Operations, Global Medical Response; and Jason Monday, National Director of Membership, AirMedCare Network, Global Medical Response.

LRC Staff: Jessica Sharpe, Breanna Patterson, and Elizabeth Hardy

Approval of October 5, 2021 Minutes

Representative Lewis moved to approve the minutes. The motion was seconded by Senator Alvarado. The minutes were approved.

Mental Health Parity

Sharon Clark, Commissioner of the Department of Insurance (DOI), discussed the federal Mental Health Parity and Addiction Equity Act of 2008, which generally provides that insurance requirements, such as co-pays, co-insurance, and treatment limitations, for mental health services cannot be more restrictive than those imposed for medical or surgical services. The federal government has created an online self-compliance tool to explain the law and assist state regulators to implement it. In December 2020, Congress amended the law to require insurance companies to perform comparative analyses and submit reports to the DOI. House Bill 50, which was recently enacted in Kentucky, adopted the requirements of the federal law for nonquantitative treatment limitations and for submitting annual reports. DOI will be looking at ways to institute the requirements and is anticipating a regulation to be implemented. The DOI is waiting for an update to the online self-compliance tool.

Melissa Cahill, Chair of the Kentucky Eating Disorder Council, stated that there are roughly 900,000 individuals, of which 29,000 are children, struggling with an eating disorder in the state. Kentucky is lacking acute care programs, residential programs, and partial hospitalization programs for eating disorder treatment. Patients are forced to travel out of state to receive necessary care and many out-of-state providers refuse to work with Kentucky Medicaid, leaving those patients with few or no options. People who struggle with an eating disorder tend to have a high mortality rate, have average treatment costs of approximately \$20,000 per month, and cope with debilitating symptoms, with the average time from diagnosis to recovery being approximately ten years. The Kentucky Eating Disorder Council works on the prevention, early detection, education, and research of eating disorders, as well as securing more access to quality care for Kentuckians.

Ms. Cahill discussed insurance barriers for eating disorder treatment. These barriers include lack of provider participation with insurance plans, limited number of eating disorder professionals, ineffective review criteria for eating disorder treatment, additional

costs for in-network, out-of-state treatment, and no options for step down care. Due to low reimbursement rates, there are few providers that participate within network. She provided statistics illustrating the increased use of out-of-network care for mental health treatment compared to primary care treatment and decreased reimbursement rates for mental health providers compared to primary care providers. Surrounding states can offer these services while Kentucky does not, which should be investigated. Improving telehealth access to services will also help Kentuckians with geographic challenges.

Justin Wallen, Business Manager of Louisville Center for Eating Disorders, gave a provider perspective on treatment issues. His center is the only facility in the state that provides a higher level of eating disorder care that is covered by insurance. Providing this level of care requires a lot of specialized, extensive, and evidence-based treatments, as well as a continuum of education. Due to these requirements, providers deserve fair levels of reimbursement for services. Mr. Wallen discussed the difficulty working with insurance companies due to low reimbursement rates and extensive management of insurance requirements. From a patient's perspective, there is uncertainty involved because treatment can be discontinued any time due to last minute insurance denials that are many times arbitrary or made by people without experience with eating disorders.

Dr. Andrea Krause, a pediatrician offering hospital-based care through Norton Children's Hospital, stated that for the past twelve years, she has helped stabilize sick eating disorder patients admitted to the hospital. She explained there are two elements that play into lack of care. The first is some providers may have slow recognition of signs associated with eating disorders and the second is poor access to appropriate care. In 2021, there was an almost two-fold increase in the number of medically unstable eating disorder patients admitted to Norton Children's Hospital, which is on top of an average annual 20 percent increase for the past ten years. Typically, 60 percent of patients have private insurance and 40 percent have Medicaid. She stated that insurance payors do not seem to be aware of eating disorder guidelines for care published by the American Psychiatric Association and the American Academy of Pediatrics. There are also no out-of-state residential facilities with an active Kentucky Medicaid number and because of low reimbursement rates, Dr. Krause suspects that facilities have no incentive to renew Kentucky Medicaid numbers.

Ruby Jo Lubarsky is a caregiver and grandmother of a teenager who struggles with anorexia and discussed her family's experience with the challenges to access appropriate treatment. Some treatments were covered by insurance while others were not. From 2018 to 2020, their family paid over \$160,000 for inpatient and outpatient services that were not covered by insurance. For a continuum of care, they pay out of pocket about \$25,000 a year for services that are not

covered by insurance. She also discussed an article presented to members that explains why it is hard to find a therapist covered by insurance.

In conclusion, Ms. Cahill expressed that Kentucky needs to improve reimbursement rates for existing mental health providers, create incentives for mental health practitioners to want to practice in Kentucky, change the review criteria for eating disorder care, and ease cross-state licensing laws for telehealth access to care.

Senator Girdler discussed his personal experience with a family member that had an eating disorder. In response to Senator Girdler's question about media affecting the prevalence of eating disorders, Dr. Krause stated that eating disorders are affected by media, which is unavoidable. In response to Senator Girdler's question regarding coverage for eating disorders, Ms. Cahill explained that eating disorders are complex with both medical and mental aspects. Many insurance companies base decisions on calculable medical criteria, even though it is not just a medical situation. Ms. Lubarsky stated that both women and men suffer from eating disorders.

Representative Westrom thanked the speakers for educating the committee on this issue. In response to her question about the number of Kentucky citizens that are diagnosed with an eating disorder, Ms. Cahill reiterated that there are 900,000 individuals, over 29,000 of which are children or adolescents.

Senator Alvarado commented about his experience with eating disorder patients, stated that a task force was formed in 2013 to address provider shortage issues, with proposed recommendations, and that he has filed legislation to address these issues. He also noted that Kentucky has one of the best telehealth laws in the country. In response to Senator Alvarado's question, Dr. Krause stated that the types of specialists required to treat eating disorders include child psychiatrists and psychologists, registered dietitians that have eating disorder training, and different types of therapists.

In response to Senator Raque Adams' request for the DOI to comment on the testimony, Mr. Orme stated that there are no laws that specifically mandate coverage for eating disorders, but DOI will look at how House Bill 50 is going to affect insurers and how to enforce mental health parity laws. Commissioner Clark added that the department is willing to facilitate communication with health insurers and the Kentucky Eating Disorder Council to try to update insurers on the published eating disorder guidelines. Traditionally, the DOI does not regulate reimbursement rates. Sen. Raque Adams commented that this is both a parity and an equity issue and if other states have figured out how to achieve parity and equity, Kentucky should do the same.

Representative Roberts commented about her experience teaching mindfulness and meditation to an out-of-state eating disorder recovery center. In response to Representative Roberts' question

surrounding early intervention, Ms. Cahill stated that the council is utilizing community mental health centers and is providing education and introducing prevention programs. The council is also engaging in many advocacy efforts. In response to Representative Roberts' question surrounding retention of younger specialized providers, Dr. Krause stated they do have a pediatric residency program at the University of Louisville, which provides ongoing education, and there are interns and post-doctoral fellows that work with her eating disorder psychiatric team.

Regulation of Air Ambulance Membership Subscriptions

Representative Deanna Frazier discussed air ambulance membership subscriptions. On the surface, air ambulance membership subscriptions claim to cover out-of-pocket costs, in the rare event of transportation by an air ambulance. Memberships are products that transfer an unknown amount of risk from the policyholder to an air ambulance company in exchange for a premium payment, despite most people being covered by their traditional insurance policies. She stated they do not want to ban memberships but instead want to provide Kentucky citizens with consumer protection from predatory marketing tactics as well as rate transparency, which is required for all other insurance products. Global Medical Response, Inc. (GMR) reportedly has over 287,000 memberships with an annual cost of \$85 a year, coming to a total of \$24.4 million in revenue, despite only one-tenth of one percent of members utilizing this service.

Chris Brady, Senior Vice President and General Counsel at Air Methods stated that they support state regulation by the DOI for the reasons stated by Rep. Frazier. The federal No Surprises Act that will go into effect on January 1, 2022, virtually eliminates financial risk for air ambulance services received by insureds because it prohibits balance billing, leaving those patients responsible for only copays and deductibles. Despite the federal act and the importance of state regulatory oversight, Kentucky citizens are still being sold these products to protect them from a problem that will no longer exist without any actuarial adjustment to premium pricing to ensure that policyholders are charged a fair premium.

Purveyors of these subscriptions are now describing memberships as a prepayment of deductibles or copayments. There are two issues with these products. The first is many consumers are sold memberships without appropriate disclosure with fear-driven pressure tactics and the second is memberships can automatically renew leaving consumers locked into yearly premiums. The predatory nature of air ambulance membership marketing is highlighted by the fact that millions of subscriptions are sold each year to Medicare recipients, despite these policyholders only having limited coinsurance costs. In some states, 35 percent or more of subscriptions are purchased by Medicare beneficiaries and the

second largest Medigap product in the United States is sold by AirMedCare Network. In contrast, in 2019, roughly 70 percent of AirMethods Medicare patients paid less than \$50 out of pocket. Seniors that live in rural areas are particularly vulnerable to air ambulance subscription marketing that does not provide appropriate disclosures.

Positioning these products as covering copays and deductibles also ignores basic principles of emergency air services. In addition to the rarity of needing air ambulance services, the services can only be dispatched by a first responder or physician to ensure that the services are necessary. Also, air ambulance services often coincide with other medical services provided to the patient and those other services may fulfill the patient's maximum out-of-pocket responsibility. Finally, Mr. Brady stated that AirMethods has documented over 200 instances where patients have delayed care to wait for a covered air ambulance membership service provider and an out-of-state Medicare patient that delayed care eventually passed away in the hospital. Florida and New York regulate these subscriptions and the National Council of Insurance Legislators is studying model legislation.

Elizabeth Ward, Regional Director of Kentucky Operations at GMR stated that Air Evac Lifeteam has 17 bases of operation physically in Kentucky and a total of 33 aircraft to respond in Kentucky. Air Evac Lifeteam responds whenever dispatched, without regard to membership status or ability to pay. Membership subscriptions matter because members take pride in having memberships and it helps give a sense of comfort.

Jason Monday, National Director of Membership, AirMedCare Network, expressed opposition to the proposed legislation. GMR has provided air ambulance memberships in Kentucky for over 21 years. Over 200,000 Kentuckians, most of whom live near GMR's bases in rural communities, have made a consumer choice to be part of the AirMedCare Network membership program. GMR is in-network with over 92 percent of the air transport provided and is contracted with the two largest commercial insurance companies in the state.

GMR's membership program is a prepaid plan that covers an insured's cost sharing for air ambulance services provided by GMR. According to the Kaiser Family Foundation, average cost sharing for a family has increased 70 percent, with both employer and employee spending increasing faster than wages, and deductibles can be up to \$10,000. Members acknowledge during the enrollment process that the program does not cover transports by non-GMR companies. Patients who do not have a membership are supported throughout the insurance claim process by GMR's patient advocates. Finally, air ambulance memberships do not constitute the business of insurance under the federal McCarran-Ferguson Act. GMR has won lawsuits in North Dakota and West Virginia, substantiating that states cannot regulate air ambulance memberships as insurance. These products

are consumer friendly. Wyoming actually reversed course by changing a regulation that attempted to regulate air ambulance memberships.

In response to Representative Frazier's request for Commissioner Clark's opinion, Commissioner Clark believes that air ambulance membership subscriptions are insurance products and states have a right to regulate them. She stated that it is possible for these products to be regulated at another level than a full certificate of authority and once regulated, if someone needed to file a complaint against one of these companies, DOI could administratively review the complaint.

In response to Representative Kirk-McCormick's comment that her research indicates that state law cannot regulate air ambulance memberships, Mr. Brady stated that Air Methods disagrees with this research and it comes down to whether or not these memberships are insurance products. Representative Kirk-McCormick stated that air ambulance services are important in her rural area, that there is potential savings in having an air ambulance membership subscription, and that she'll be taking a close look at the issue.

In response to Co-Chair Rowland's questions regarding the availability of membership subscriptions if legislation were to pass, Mr. Monday stated that he does not believe that GMR provides an insurance product, nor are they an insurer, so if legislation passes stating otherwise, it could jeopardize GMR's ability to provide memberships in Kentucky. GMR would have to evaluate the impact on their business model.

In response to Senator Girdler's question regarding the proposed legislation's impact on Federal Aviation Administration (FAA) laws, Mr. Brady explained that from Air Method's perspective, there is no issue with the federal Airline Deregulation Act. FAA is one of the only avenues for customers to raise any concerns relating to these products. Mr. Monday disagreed and explained that the federal Airline Deregulation Act has preemption built into it that controls air ambulance services at the federal level. Customers have the chance to raise any complaints at the state attorney general level. In response to Senator Girdler's next question regarding the development of an air ambulance coverage product through insurance, Mr. Monday stated that they are unaware of any state laws that control pricing on memberships. In response to Senator Girdler's last question regarding what consumers will be paying, Mr. Brady stated that on January 1, 2022, regardless of whether an air ambulance is in or out-of-network, the consumer will only be responsible for the in-network copays. With regard to the remaining financial impact of these services on consumers, AirMethods and GMR have charity programs to assist consumers.

In response to Representative Smith's questions relating to GMR's organization and class action lawsuits, Mr. Monday stated that GMR is private equity and that he is unaware of any cases.

Representative Smith commented that he does not agree with government oversight when it is not needed, especially over private businesses, and that he has not heard of any issues with air ambulance membership subscriptions in his district.

In response to Representative Meredith's question regarding companies that sell air ambulance membership products that are not air ambulance service providers, but rather work with multiple air ambulance service providers, Commissioner Clark stated that DOI is reviewing the practice he described.

In response to Representative Stevenson's question about communicating the federal No Surprises Act to consumers, Mr. Monday explained that GMR's product is not marketed towards balance billing, but rather it is marketed to out-of-pocket expenses. In response to Representative Stevenson's question regarding the difference between air ambulance membership subscriptions and gap coverage insurance, Mr. Monday stated that GMR relieves debt, does not pay anything to other providers, does not guarantee the service, and there is no reciprocity.

Representative Frazier commented that the reason there are so few complaints is because the need to receive air ambulance services is so rare.

Representative Bentley commented that there can be difficulty with ground ambulance services in rural areas. In response to Representative Bentley's questions surrounding the value of air ambulances in rural Kentucky, Ms. Ward explained that they are similar to an emergency room, with critical care drugs and equipment, licensed critical care paramedic, and certified critical care nurse. Representative Bentley stated that there is value in air ambulances in rural Kentucky since they are able to provide a heightened level of care.

Representative McPherson commented that as long as there is full disclosure, the free market system will act appropriately in this situation. If people continue to buy the product, it has value, but if they do not, it will go away.

Representative Lewis commented that companies should not use the legislative body to impair other private companies and that government should not be picking winners and losers.

Representative Frazier commented that to her, relieving people of the requirement to pay deductibles and copays is the definition of insurance.

There being no further business, the meeting was adjourned.

INTERIM JOINT COMMITTEE ON BANKING AND INSURANCE

Minutes of the 5th Meeting of the 2021 Interim

December 1, 2021

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Banking and Insurance was held on Wednesday,

December 1, 2021, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Jared Carpenter, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jared Carpenter, Co-Chair; Representative Bart Rowland, Co-Chair; Senators Julie Raque Adams, Ralph Alvarado, Donald Douglas, Rick Girdler, Morgan McGarvey, John Schickel, Brandon Smith, and Brandon J. Storm; Representatives Danny Bentley, Joseph M. Fischer, Patrick Flannery, Deanna Frazier Gordon, Jim Gooch Jr., Angie Hatton, Norma Kirk-McCormick, Adam Koenig, Nima Kulkarni, Derek Lewis, Matt Lockett, Shawn McPherson, Michael Meredith, Rachel Roberts, Sal Santoro, Tom Smith, Cherynn Stevenson, Ken Upchurch, and Susan Westrom.

Guests: Ballard W. Cassidy, Jr., President and CEO, Kentucky Bankers Association; Debra Stamper, EVP/General Counsel, Kentucky Bankers Association; John Cooper, Governmental Affairs Consultant, Kentucky Bankers Association; Pavan Parikh, Assistant Vice President, Government Relations Officer and Legislative Counsel, Federal Home Loan Bank of Cincinnati; and Dustin Miller, Government Strategies.

LRC Staff: Jessica Sharpe, Breanna Patterson, and Elizabeth Hardy.

Approval of November 9, 2021 Minutes

Senator Schickel moved to approve the minutes. The motion was seconded by Representative Lockett. The minutes were approved.

Federal Home Loan Bank Lending Parity

Representative Fischer discussed his proposed legislation for the 2022 Regular Session to allow Kentucky insurance companies to borrow from Federal Home Loan Banks (FHLBs) on the same terms provided to Kentucky banks and credit unions. FHLBs lend money to its financial institution members, which includes banks and credit unions as well as insurance companies, to provide additional capital and liquidity to those financial institutions. This legislation is necessary to have uniformity in lending practices among the states for insurance companies. This bill has already passed in many neighboring states such as Ohio, Indiana, and West Virginia, among others.

Pavan Parikh, Assistant Vice President, Government Relations Officer, and Legislative Counsel at FHLB Cincinnati, explained that FHLB Cincinnati is one of 11 FHLBs in the country, which are organized as member-owned cooperatives. They are a wholesale lender for financial institutions such as banks, credit unions, insurance companies, community development financial institutions, and thrifts and savings. To become a member, an entity has to meet safety and soundness requirements, purchase stock, and have a housing nexus. Mr. Parikh provided Kentucky-specific numbers for its members and their

average asset sizes.

FHLB Cincinnati is hoping to create parity between the state systems and the federal system for insurance members. Banks have to put up collateral when becoming members of an FHLB, in case the bank becomes insolvent. Under federal law, FHLBs have access to liquidate that collateral immediately upon insolvency. Due to insurance being regulated on a state-by-state basis, FHLBs have to charge insurance companies an additional two percent in lending costs in states that have not enacted lien priority parity between state and federal systems. Mr. Parikh presented a map showing the states that have passed legislation regarding this issue and others that are working on legislation.

Benefits of the proposed legislation include insurance companies being able to collateralize their loans through FHLB at competitive rates and the elimination of collateralization disparities among members. The legislation would also assist the Department of Insurance (DOI) in the case of an insolvency because FHLBs work with the DOI when liquidating an insurance company's collateral. The language would set strict timelines on documentation, reporting, and communication to ensure there is transparency between all parties.

In response to Chairman Carpenter's questions regarding insolvency of insurance companies and the two percent fee, Mr. Parikh stated that insurance company insolvency rarely happens and that the two percent fee is to guard against something that will likely never happen, which is why it is important to get legislation passed to assist their insurance company members who are domiciled in Kentucky. In response to Chairman Carpenter's question about why this issue has not been addressed sooner, Dustin Miller, Government Strategies, stated that this issue came from the federal regulator in 2012 and the National Association of Insurance Commissioners (NAIC) were approached about this issue in 2013. Mr. Parikh also explained that it was not until 2017, that the federal regulator said there has to be state legislation to get around this issue. In response to another question from Chairman Carpenter, Mr. Parikh stated that any and all insurance companies can go through the FHLB system as long as they have an insurance charter, meet the safety and soundness requirements, and have a housing nexus.

In response to Representative Lockett's question regarding the DOI's position on this legislation, Mr. Miller stated that the department is comfortable with the concept and has sent the bill language off to the NAIC for uniformity purposes.

In response to Representative Smith's question regarding the federal housing infrastructure bill, Mr. Parikh explained that FHLBs are going to be working with multiple entities to ensure their members can do housing. FHLB Cincinnati funds housing in addition to being a liquidity provider for their financial institution members; they also annually set aside 10 percent of profits, which are used to fund affordable

housing projects across FHLB Cincinnati's district. They are also looking at other ways money can be used to continue to support affordable housing. He explained that the 10 percent set aside is utilized in a competitive program that allows member institutions to partner with a housing-sponsored organization.

U.S. Treasury IRS Bank Account Reporting Proposal

Ballard W. Cassidy Jr., the President and CEO of the Kentucky Bankers Association (KBA) provided an update on proposed federal legislation relating to Internal Revenue Service (IRS) reporting requirements for banks. Initially, the bill required banks to report to the IRS all inflows and outflows of cash exceeding \$600 for every customer. Due to public backlash, the threshold was amended to apply only to customers whose accounts receive \$10,000 in non-wage deposits annually, which missed the point that the issue was about privacy, not dollar amounts.

The bill that passed the U.S. House of Representatives on November 19, 2021, did not include the provision requiring banks to report on their customers. However, the bill designated \$80 billion to hire more IRS agents, most of which goes to operations support and enforcement, meaning audits, investigations, asset monitoring, and legal actions. Mr. Cassidy added that despite many U.S. Senators opposing this bill, it is unclear what Senate negotiations will lead to and regulators have developed a habit of making laws disguised as regulations.

The banking industry and their customers, advocacy groups for financial institutions, and business and consumer groups all strongly oppose this legislation. The proposal jeopardizes the long-preserved relationship that financial institutions have established with their customers. Mandatory reporting would blight these relationships, as privacy and trust are vital, and it would subject customer data to greater security risk, as evidenced by the 1.4 billion cyberattacks and breaches the IRS currently reports. The proposal would further push away people who don't use bank accounts due to a lack of trust in institutions, the so-called "unbanked." Mr. Cassidy concluded, the additional spending for IRS agents would not produce much more in collections, meaning the IRS's efficiency will plummet, while the misery inflicted on Americans through audits and collections will increase.

Community banks would also have to hire more staff to take on the extra work, which smaller banks cannot afford. Mr. Cassidy noted that most wealthy Americans have legal means to avoid taxes, and thus, the new IRS agents are more likely to be targeting their enforcement efforts against people who are not wealthy or powerful. He stated that the revenue these new audits will produce will not be enough to pay for new spending or to justify the invasion of customers' privacy. The KBA and 5,000 Kentucky citizens sent a letter to Congress expressing opposition to this

legislation and the KBA will continue to monitor the issue.

Another issue Mr. Cassidy discussed was cryptocurrency being regulated on a state level. He urged the General Assembly to continue its approach of judicious caution when it comes to financial services innovations. There are no advantages for Kentucky to regulate cryptocurrency before it is regulated on the federal level. The Federal Reserve, the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) issued a joint statement that they will be working together to issue guidance in 2022 on the risks and opportunities of cryptocurrency as well as how crypto-related activities should be conducted by banks.

In response to Representative Kirk-McCormick's question regarding what the Kentucky General Assembly could do to stop the IRS bank reporting proposal, Mr. Cassidy stated that he is not aware of any state legislation that could help, but he believes a letter from the Kentucky General Assembly or the Interim Joint Committee on Banking and Insurance to Congress would go a long way. Representative Kirk-McCormick commented that there is concern that this is an attempt at global banking and it needs to be stopped. Debra Stamper, EVP/General Counsel at KBA, said she believes this is an attempt at national banking if not global banking.

Representative Smith commented that he would like to see his colleagues on the other side of the aisle contact the administration in Washington D.C. to try to stop this proposal from happening. In response to Representative Smith's question as to whether the KBA is going to propose any cryptocurrency legislation, Mr. Cassidy explained that the KBA is trying to fully understand cryptocurrency and does not plan on submitting language for any legislation in the upcoming session. They are aware of legislation that has been filed and have concerns with the use of the word "bank." KBA is waiting for direction from the OCC, Federal Reserve, and the FDIC to give an idea of how cryptocurrency can be regulated safely. John Cooper, Governmental Affairs Consultant at KBA, stated that the Securities and Exchange Commission classified cryptocurrency as a security while the Commodity Futures Trading Commission said by contrast it is a commodity. Mr. Cooper also expressed concern that there is no back stop for the retail trader. Ms. Stamper commented that KBA's primary concerns are customer confusion and customer protection.

Senator Smith commented that Kentucky is one of three states on the front of this issue and believes it is important to have legislation supporting cryptocurrency because it is an issue that is not going to go away anytime soon and Kentucky is already a gold standard in banking compared to other states. What is driving this industry is what the KBA testified about. People do not want government officials invading their privacy and cryptocurrency does not allow that to happen. Cryptocurrency also allows transactions to happen instantly, which is not possible

with current bank transactions.

Representative Meredith commented that federal law is generally going to surpass anything at the state level. The proposal was meant to affect millionaires and billionaires who have effective tax shelters to get around loopholes and employ teams of certified public accountants and tax lawyers that help them get through the tax process. In reality, this proposal is going to affect the average American and would create an adversary relationship between the customer and the bank. Banks follow federal laws and regulation but do not work for the federal government or the IRS. The two main roles of federal regulators is to make sure there is a safe and sound banking system and to make sure consumers are protected and not discriminated against. Representative Meredith stated that the federal government should be focusing more on issues like cryptocurrency. He believes that not many of the community banks will be comfortable doing anything with cryptocurrency until the federal government passes legislation to regulate it.

There being no further business the meeting was adjourned.

COUNTY CLERK OFFICE MODERNIZATION TASK FORCE

Minutes of the 6th Meeting of the 2021 Interim

November 17, 2021

Call to Order and Roll Call

The 6th meeting of the County Clerk Office Modernization Task Force was held on Wednesday, November 17, 2021, at 3:00 PM, in Room 149 of the Capitol Annex. Representative Michael Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jason Howell, Co-Chair; Representative Michael Meredith, Co-Chair; Senators Robby Mills, Robin L. Webb, and Phillip Wheeler; Representatives Randy Bridges, Patrick Flannery, and Ashley Tackett Laferty.

Guests: Jennifer Hays, Ben Gurrola, Joe Wiseman, Michael Malicoat, Ruth Baxter, Tabatha Clemons, Debbie Donnelly, and Jason Denny.

LRC Staff: Roberta Kiser, Randall Roof, and Chelsea Fallis

Approval of the October 20, 2021 Minutes

Representative Meredith motioned to approve the October 20, 2021, minutes, seconded by Representative Bridges, and passed by voice vote.

Legal Process Tax

Jennifer Hays, Committee Staff Administrator, Appropriations and Revenue Committee, presented on the history of legal process tax. Ms. Hays stated that KRS 142.010 imposes tax amounts for documents to be filed with a county clerk's office. The county

clerk is required to meet a ten day deadline to remit taxes to the Department of Revenue. One dollar from the individual taxed amount is deposited into the Department for Libraries and Archives, the remaining balance is deposited into the general fund. In 2020, due to the COVID-19 pandemic there was a decrease in the legal process tax receipts and the local records grant program year-end balance. In 2021, when the county clerk's offices resumed to in person service, the legal process tax receipts and local records grant program year-end balance recorded a significant surge in tax amounts.

In response to Representative Meredith, Ms. Hays stated that she would provide documentation on tax fees that were collected by entities other than the county clerk's offices.

Data Records Management Services, LLC

Ben Gurrola, President, Data Records Management Services, LLC, presented a slide show regarding data records management services designed for Kentucky county offices. Data Records Management Services (DRMS) is currently the only land records vendor that is criminal justice information system (CJIS) compliant in Kentucky. The CJIS security policy provides cyber protection and security standards for the transmission, storage, and processing of criminal justice information.

Legal Malpractice Issues Relating to Electronic Databases

Ruth H. Baxter, Crawford & Baxter, P.S.C., presented a slide show regarding legal malpractice issues related to the electronic modernization of county clerk's offices in Kentucky. Electronic filing requires the county clerk to contract with an approved vendor. The vendor is responsible for verifying the identity of the entity filing any documents with the county clerk. The risks of electronic recording include error in inputting information, a lack of understanding of the system, and cybersecurity. Electronic filing will be subject to many of the same issues that now exist with false documents and forged signatures. Attorneys that practice in this field must exercise reasonable care in searching records and act to the best of their knowledge about the information contained in those records

In response to Representative Meredith, Ms. Baxter stated that debt judgements, court judgements, state tax liens, and federal tax liens could be used against new home purchasers.

In response to Representative Meredith, Jason Denney, Anderson County Clerk, stated between 2014 and 2015 Kentucky Department for Libraries and Archives allowed for microfilming every six months to a year in place of printing mortgage books.

There being no further business, the meeting adjourned at 3:56 p.m.

CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE

Minutes

July 15, 2021

Call to Order and Roll Call

The Child Welfare Oversight and Advisory Committee meeting was held on Thursday, July 15, 2021, at 1:00 PM, in Room 131 of the Capitol Annex. Representative David Meade, Chair, called the meeting to order, and the secretary called the roll.

Present were:

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

Guests: Amy Burke, Assistant Deputy Attorney General, Criminal Division, Office of the Attorney General; Heather Wagers, Executive Director, Office of Trafficking and Abuse Prevention and Prosecution, Office of the Attorney General; LeAnna Homandberg, Board Member, Child Sexual Abuse Prevention Board; Jacqueline Sugarman, M.D., F.A.A.P., Associate Professor of Pediatrics University of Kentucky, Medical Director, Children's Advocacy Center of the Bluegrass and Children's Advocacy Centers of Kentucky; Laura Kretzer, Director of Strategic Initiatives and Programming, Blair Lee

Finance Director, and Ellie Young, Program Compliance Specialist, Children's Advocacy Centers of Kentucky.

LRC Staff: Ben Payne, Lead Staff, Samir Nasir, Becky Lancaster, and Amanda DuFour.

Election of Senate Co-Chair

A motion was made by Senator Westerfield and seconded by Senator Storm to nominate Senator Julie Raque Adams as Senate Co-Chair. A motion was made by Senator Westerfield and seconded by Senator Storm that nominations cease and Senator Adams be elected Senate Co-Chair by acclamation. Senator Adams continued the meeting as the presiding chair person.

Approval of Minutes

A motion to approve the minutes of the November 16, 2020, meeting was made by Senator Westerfield, seconded by Representative Meade, and approved by voice vote.

Child Sexual Abuse and Exploitation Prevention Board – Mission, Challenges, and Opportunities

Heather Wagers, Executive Director, Office of Trafficking and Abuse Prevention and Prosecution, Office of the Attorney General, testified to the committee who were the members appointed to the Child Sexual Abuse and Exploitation Prevention (CSAEP) Board and the scheduled meeting dates for 2021. She listed measures taken by the CSAEP Board

to improve operations and further the board's mission. She discussed the CSAEP Board's decision to explore funding opportunities to participate within the (Kentucky Employee Charitable Campaign (KECC). She reviewed how the CSAEP Board advertises upcoming activities, trainings, and grant solicitations on the I Care About Kids Website.

LeAnna Homandberg, Board Member, Child Sexual Abuse Prevention Board, listed the CSAEP Board's standing committees along with a brief description of each. She discussed the five goals within the strategic plan of the CSAEP Board: to increase public and professional awareness and understanding of the nature and scope of child abuse and exploitation; to fund quality services and innovative programs; to have a greater influence on public policy relating to child sexual abuse and exploitation; to increase the effectiveness of the CSAEP Board; and to ensure continued growth and viability of the Child Victim's Trust Fund. She reviewed the "Are They Good for Your Kids" campaign related to online predators and other people influencing children. She went over a graph that detailed the number of child sexual medical exams that were funded by the CSAEP Board and performed in 2019 and 2020. She reported on the fiscal year (FY) 2021-2022 statewide and regional grant recipients. She discussed Child Advocacy Week and its policy initiatives along with the Child Advocacy Center (CAC) site visits and regional trainings.

Amy Burke, Assistant Deputy Attorney General, Criminal Division, Office of the Attorney General, discussed aspects of trauma informed sexual assault investigations such as: sexual assault report writing; survivor statement and community engagement; the Prosecutor's Roundtable; the Sexual Assault Nurse Examiners (SANEs) approach to sex trafficking; and the over overview of changes to human trafficking laws and signs of human trafficking. She mentioned that the CSAEP Board partnered with the Zero Abuse Project to bring training to the state on behalf of state and county prosecutors. She relayed that the trainings were tailored to the needs of the prosecutors and to Commonwealth attorneys in relation to dependency, abuse, and neglect court cases. She discussed the 2021 Stark Prosecutor Symposium that focused on the role of technology within dependency, abuse, and neglect crimes. She reviewed the topics of training and discussion at the national Crimes Against Children Conference. She talked about the Child Abuse Prosecution Toolkit available on the Kentucky Office of the Attorney General's website. The toolkit provides resources, trainings, and best practices as related to working in multidisciplinary teams.

Ms. Wagers reviewed the Child Victims' Trust Fund (CVTF) that is administered by the CSAEP Board. She discussed the CVTF donations and shared a graph with amounts donated each year. Kentucky license plate sales is typically the largest source of revenue for the CVTF. She reviewed a graph that displayed the historical data relating to the license plate sales, other revenue generated, and how much money has been

spent by the CSAEP Board.

In response to the questions and comments from Senator Adams, Ms. Wagers stated that the CSAEP Board has operational money to cover site visits if necessary. She stated that there are no general fund dollars given to the CSAEP Board. She stated that money from license plates sales is a rotating reoccurring fund however the CSAEP Board spends more than it receives to fund multiple programs. She stated that the Office of the Attorney General would welcome all support and resources needed to take on endeavor that would expand the scope of victims beyond sexual abuse victims to include other victims of abuse and neglect. She stated that CVTFs in other states focus on all forms of maltreatment whereas the Kentucky CVTF only focuses on sexual abuse and exploitation. She reviewed other ways that states fund raise money for its CVTF.

In response to the questions and comments from Senator Berg, Ms. Burke stated that the CSAEP Board did not hire private prosecutors for sexual abuse cases. She clarified that prosecutors could apply for a grant to pay for an expert to testify in a child sexual abuse case.

Children's Advocacy Centers of Kentucky – Mission, Challenges, and Opportunities

Laura Kretzer, Director of Strategic Initiatives and Programming, Children's Advocacy Centers of Kentucky (CACs of Kentucky), stated that CACs of Kentucky was established to promote, assist and support the development, growth and continuation of Children's Advocacy Centers in the Commonwealth of Kentucky. She explained that the response to child abuse is complex and requires multiple disciplines that can be found within the CACs of Kentucky model. She reviewed the definition of a CAC as defined by KRS 620.020(4). She followed with a list of key services provided by the CACs of Kentucky. She discussed a map detailing various CACs of Kentucky locations. She reviewed the yearly Victims of Crime Act Formula Program (VOCA) grant amounts awarded to the CACs of Kentucky and the projected amount for 2021. She reviewed the trends in the number of children served in Kentucky with a comparison of the first three quarters in FY 2020 to FY 2021.

Ms. Kretzer discussed how several factors that increased in 2020 correlate to an increase in child abuse such as: unemployment, increased stress, social isolation, substance misuse, and decreased access to childcare. She went over how the CACs of Kentucky adapted to the changes in 2020. She discussed the yearly comparison of the average number of victim advocacy and case management contacts per child, indicating a higher a level of need for the children served. The CACs of Kentucky expect the trend of increasing child abuse reports to continue in August of 2021 when children return to schools. The CACs of Kentucky is requesting \$2 million from the American Rescue Plan Act to replace previous losses in revenue. CACs of Kentucky is requesting \$900,000 to provide

an additional mental health therapist at each of the CACs of Kentucky in anticipation of the increase in mental health needs.

Ms. Kretzer defined a multidisciplinary team and its objectives established in KRS 620.040 (7)(c). She provided a list of the type of members that make up a multidisciplinary team. She discussed that the CACs of Kentucky have prioritized the multidisciplinary team model as part of a multidisciplinary enhancement project in three CACs of Kentucky. She explained the centralized intake initiative’s process to begin a joint investigation process with law enforcement and the Department for Community Based Services (DCBS) with a flow chart. She shared four charts regarding the percentages of: reports receiving multidisciplinary team responses; children meeting criteria for a forensic interview who received a forensic interview; children meeting criteria for mental health services who received mental health services; and children meeting criteria for victim advocacy who received victim advocacy. The CACs of Kentucky involvement helped to achieve the true intent of a multidisciplinary team to help families heal from abuse. She stated that the CACs of Kentucky is requesting \$5 million in general operating funds each year to support the work and noted that details of the funding request is part of the meeting materials.

Jacqueline Sugarman, M.D., F.A.A.P., Associate Professor of Pediatrics University of Kentucky, Medical Director, Children’s Advocacy Center of the Bluegrass and Children’s Advocacy Centers of Kentucky, shared two brief stories of abused children that came to one of the CACs of Kentucky for evaluation and treatment, to illustrate why the CACs of Kentucky are so important. She showed pictures and discussed the differences between hospital emergency departments and the child-friendly CACs of Kentucky to aide in the process of disclosing and treating child abuse. The CACs of Kentucky have state of the art medical equipment such as Cortexflo for photo documentation of injuries. She explained that photo documentation allows for peer review of examination findings and can facilitate consultation with another specialist when needed while minimizing unnecessary repeat examinations for the child. She stated the goal of the CACs of Kentucky is to have experienced, qualified examiners provide comprehensive, child focused, developmentally appropriate, and trauma informed medical exams.

Dr. Sugarman reviewed the requirements of medical providers at the CACs of Kentucky such as: receiving special training; required to have ongoing continuing medical education; subject to peer review findings; and must keep up to date on child sexual abuse medical literature. She reviewed a list of purposes for a medical evaluation of a child and a list of reasons why medical examinations are sometimes necessary at a CAC of Kentucky after the child was seen by another healthcare provider. She discussed adverse childhood experiences (ACEs) and that if left unaddressed, sexual abuse can lead to chronic health problems later

in life like heart disease, cancer, obesity, and mental health issues. She referenced a list of long term effects caused by sexual abuse. She discussed the estimated total lifetime economic burden of child sexual abuse in the United States. She reviewed what reports and assessments the CACs of Kentucky medical providers are responsible for after a child leaves the office.

Dr. Sugarman shared a graphic explaining the CACs of Kentucky model. She listed the advantages of the multidisciplinary team approach. She gave details regarding the role of the medical professional in the multidisciplinary team case review. She provided a list of statistics regarding adolescent sexual abuse. She stated that research conducted by the Centers for Disease Control (CDC) estimates that approximately 1 in 13 boys and 1 in 4 girls experience some form of sexual abuse in childhood. She reviewed a list of perpetrator characteristics. She shared how COVID-19 has impacted children’s environments and may contribute to a rise in child abuse. She presented a list of new initiatives by the CACs of Kentucky such as: the development of a statewide child sexual assault and abuse medical protocol; the development of sexual assault healthcare provider training recommendations and statewide education; the establishment of a network that can support new providers; and the establishment of networks for peer review of medical findings.

In response to questions and comments from Senator Westerfield, Ms. Kretzer stated that several CACs of Kentucky have affiliate agreements with the Community Mental Health Centers (CMHCs) for a subset of therapists who have specific trauma training. There are also affiliate agreements with additional mental health providers within a specific region. She stated that the funding request would allow for a mental health provider in each of the 15 CACs of Kentucky.

In response to questions and comments from Senator Berg, Dr. Sugarman agreed that requiring continued education training regarding child abuse trauma would be helpful for providers.

In response to questions and comments from Representative Banta, Ms. Kretzer stated that law enforcement is a key partner in the multidisciplinary team process. She stated there has been feedback from the pilot project regarding coordinating services and improving communication with law enforcement.

In response to questions and comments from Senator Adams, Ms. Kretzer stated that this presentation was the unveiling of the request for the \$2 million Health Advanced Research Projects Agency (HARPA) federal funds. She stated that the \$5 million funding request would be to expand the pilot multidisciplinary team project to allow for an increase in the number of services provided. She stated that there is a Kentucky Medicaid regulation specific to children’s advocacy centers to have specialized children’s medical clinics with a set reimburse rate. The reimbursement rate has been the same for 20 years. She stated that the regulation also limits reimbursement from Medicaid

to the physician providing the exam whereas the standards regulation has allowed for advanced practice nurses to also provide exams. She stated there is a mismatch between what the standards regulation and the Medicaid regulations allow.

Adjournment

There being no further business, the meeting was adjourned at 2:37 PM.

INTERIM JOINT COMMITTEE ON ECONOMIC DEVELOPMENT AND WORKFORCE INVESTMENT

Minutes of the 6th Meeting of the 2021 Interim

November 18, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Economic Development and Workforce Investment was held on Thursday, November 18, 2021, at 9:00 AM, in Room 154 of the Capitol Annex. Representative Russell Webber, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Wil Schroder, Co-Chair; Representative Russell Webber, Co-Chair; Senators Robby Mills, Adrienne Southworth, Mike Wilson, and David Yates; Representatives Shane Baker, Kim Banta, Lynn Bechler, Tina Bojanowski, Josh Bray, George Brown Jr., Josh Calloway, McKenzie Cantrell, Daniel Elliott, Chris Freeland, Al Gentry, Mark Hart, Thomas Huff, DJ Johnson, Kim King, William Lawrence, Matt Lockett, Scott Sharp, Steve Sheldon, and Ashley Tackett Laferty.

Guests: Kasey Maier, President and CEO, Waterfront Botanical Gardens; Brett Shepard, Director of Capital Campaigns, Waterfront Botanical Gardens; Hank Phillips, President and CEO, Kentucky Travel Industry Association; and Josh Crawford, Executive Director, Pegasus Institute.

LRC Staff: Janine Coy, Audrey Ernstberger, Kirk Smith, and Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 21, 2021, meeting was made by Representative Bechler, seconded by Representative Johnson, and approved by voice vote.

Waterfront Botanical Gardens

The Waterfront Botanical Gardens is located in downtown Louisville on a 23 acre site and construction of a three phase construction plan began in 2017. The Graeser Family Education Center and the Ellen T. Leslie Botanical Classrooms construction has been completed and future phases include a visitor center, children’s garden, conservatory, and Japanese garden. Various events, adult and youth education programs, summer camps, scout and family programs, and youth

collaboration and volunteer opportunities are hosted at the gardens. There have been 30,000 visitors to date and 29 percent of visitors have come from outside the state. Once fully constructed, it is estimated that the Waterfront Botanical Gardens could receive up to 400,000 visitors per year.

Answering a question from Representative Huff, Kasey Maier, President and CEO of Waterfront Botanical Gardens, stated that about \$20 million of mostly private funding has been raised but other funding options through grants and foundations are being considered. Admission is currently free, but an admission price may be implemented in the future. Ms. Maier estimated that about \$250,000 is generated per year from event rentals.

Responding to Senator Yates, Ms. Maier pointed out that the Waterfront Botanical Gardens is ranked in Louisville Tourism's top three tourism attractions. She added that according to the garden's feasibility study, if a city has a botanical garden then visitors stay up to one and a half days longer.

Addressing Representative Banta, Ms. Maier said education will be offered in the future regarding the neighborhood and landfill that the Gardens were constructed on.

Kentucky Travel Industry Association

Hank Phillips, President and CEO of the Kentucky Travel Industry Association (KTIA), discussed the labor shortage throughout the travel industry and the state tourism recovery and investment proposal. Although the cause for low workforce participation is multifaceted and existed prior to the pandemic, the travel industry is greatly impacted by the issue of childcare because the industry has a large number of female employees. Many businesses throughout the industry have increased labor costs as a result of the labor shortage. The state tourism recovery and investment proposal presented included a request for \$75 million of American Rescue Plan Act funds to be distributed for marketing the state as a whole, marketing communities throughout the state, and attracting meetings and conventions. Mr. Phillips also suggested legislative action regarding shared economy industry platforms such as Airbnb paying the transient room tax throughout the entire state instead of only in particular cities.

Answering a question from Representative Webber, Mr. Phillips explained that Airbnb initiated communication regarding the transient room tax and will comply with any legislative action taken.

Responding to Representative King, Mr. Phillips stated that of the \$75 million that is being requested, \$15 million will be allocated to the Department of Tourism for marketing the state, \$35 million will be allocated to tourism commissions across the state for marketing communities, and \$25 million will be allocated to tourism commissions for attracting meetings and conventions. The allocation of funds to tourism commissions throughout the state for marketing communities would be formula based

utilizing 2019 county tourism economic impact data, similar to the formula already used by the Department of Tourism for the distribution of Tourism Marketing Incentive Program matching funds. A grant program has been suggested for the allocation of funds for attracting meetings and conventions. Answering a follow up question, Mr. Phillips said requirements for how the requested funds are to be spent will be similar to existing statutory requirements for the Department of Tourism.

Addressing Representative Baker, Mr. Phillips commented about the correlation between tourism and quality of life.

Replying to Representative Johnson, Mr. Phillips said the return on investment for the requested \$75 million is difficult to estimate but the economic impact of the tourism industry in 2020 declined \$2.9 billion.

Answering a question from Representative Bechler, Mr. Phillips explained that the requested funds will not be allocated to specific tourist attractions like the Waterfront Botanical Gardens directly, but \$35 million will be allocated to tourism commissions across the state for marketing communities. Addressing a follow up question, Mr. Phillips stated that proposed transient room tax legislation will apply to short term lodging platforms.

Responding to comments made by Representative Sheldon, Mr. Phillips stated that social safety nets are necessary but should be balanced.

Addressing a question from Senator Southworth, Mr. Phillips said the Tourism Marketing Incentive Program totals \$2 million, and the matching aspect varies by tourism commission. Responding to a follow up question, Mr. Phillips explained that the requested American Rescue Plan Act funds would need to be spent in the designated time frame determined by the federal government.

Pegasus Institute

A presentation was given by Josh Crawford, Executive Director of the Pegasus Institute, about the effect of macroeconomic conditions on workforce participation, state workforce participation trends, and the positive correlation between economic freedom and workforce participation. The Fraser Institute's report, Economic Freedom in North America, was discussed which ranks states by overall economic freedom in addition to government spending, taxes, and regulation. The Commonwealth has consistently ranked in the bottom quartile, but the most recent report that uses 2019 data ranks the state at 37th in the nation. Mr. Crawford explained that the state's workforce should be taken into consideration when making any changes to tax policy, workplace regulations, and occupational licenses.

Responding to Representative Bojanowski, Mr. Crawford stated there is supporting research for information in his presentation including academic journals regarding women in the workforce. The economic performance of a state is multifaceted.

Addressing Representative Baker, Mr. Crawford

explained there are certain factors that affect workforce participation that are unique to the Commonwealth. The state's economy includes employees of industries that were more greatly affected by the pandemic. In addition, government transfer payments have significantly affected the economy. A balance must be reached for social programs that create an appropriate safety net while not creating an environment that disincentivizes workforce participation.

Replying to Representative King, Mr. Crawford stated the study addresses three subcategories that include government spending, taxes, and regulation.

Responding to comments made by Representative Cantrell about factors that impact the state's workforce participation, Mr. Crawford pointed out that COVID-19 deaths had little to no significant impact on workforce participation. Women reentering the workforce, second chance employers, and the number of individuals in the millennial generation are some factors that could be addressed to improve workforce participation throughout the state.

There being no further business before the committee, the meeting adjourned at 10:37 a.m.

INTERIM JOINT COMMITTEE ON EDUCATION

Minutes of the 6th Meeting of the 2021 Interim

November 15, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Education was held on Monday, November 15, 2021, at 11:10 a.m., in Room 149 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Regina Huff, Co-Chair; Senators Danny Carroll, David P. Givens, Denise Harper Angel, Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Gerald A. Neal, Adrienne Southworth, Robert Stivers, Reginald Thomas, Stephen West, and Mike Wilson; Representatives Shane Baker, Kim Banta, Tina Bojanowski, Jennifer Decker, Jeffery Donohue, Myron Dossett, Mark Hart, Adam Koenig, Scott Lewis, C. Ed Massey, Bobby McCool, Charles Miller, Melinda Gibbons Prunty, Steve Riley, Attica Scott, Killian Timoney, James Tipton, Russell Webber, Richard White, and Lisa Willner.

Guests: Erin Klarer, VP of Government Relations, Kentucky Higher Education Assistance Authority; Chad Collins, General Counsel, Kentucky High School Athletics Association; and Julian Tackett, Commissioner, Kentucky High School Athletics Association.

LRC Staff: Jo Carole Ellis, Joshua Collins, Lauren Busch, and Maurya Allen.

Approval of Minutes – October 5, 2021

Following the welcome of special guests from Co-

Chair Huff's district, Senator West made a motion to approve the minutes of the October 5, 2021, meeting. Representative Timoney seconded the motion and it passed by voice vote.

Save the Children

Senator Stivers welcomed and introduced Mark Shriver, Chief Strategy Officer, Save the Children. Senator Stivers spoke to the history of the program in Kentucky and the legacy of its impact on education in Eastern Kentucky. For every dollar contributed by the state to the Save the Children program, the organization provides a \$14 match from fundraising and private donations.

Mr. Shriver said the focus of the Save the Children program is on early childhood literacy as the best intervention for the investment. Started in Kentucky in 1932, it was a precursor to the federal food program, and started as a food service. While the program still provides snacks and meals, Save the Children is primarily a literacy and numeracy intervention program that takes place in the classroom and during after school programming.

Madison Lundsford, 6th Grader, Whitley Independent Schools, spoke to her personal experiences in the program during 3rd grade, both in the classroom and after school. The Save the Children program provides healthy snacks to students and reading instruction, activities, and quizzes to evaluate skill growth. The summer program includes activities, more intense interventions, and more growth assessments. Literacy games to improve spelling, math skills, and reading are popular among the students. Even facing restrictions during the COVID-19 pandemic, the program continued to provide interventions in modified ways.

Alissa Taylor, Kentucky State Director, Save the Children, said she has been honored to work for Save the Children and to give back to her region. The program is a true partner in education and students are selected based on their performance below grade level on assessments and their inability to qualify for other intervention programs. The program has also expanded to provide support for prenatal through 5th grade children in reading and math. Employees are district employees, trained by Save the Children, and trainings are open to all teachers in the district. The importance of reading at grade level by 3rd grade is well documented as a marker for life-long success. Save the Children instructors also work with families and pregnant mothers, even reaching out via Zoom during the pandemic, to provide assistance and instruction. The tests and quizzes performed as part of the program validate its success and prove student growth. Data has shown the program to have a profoundly positive impact on students, with those participating during the pandemic seeing an average of two months of growth in reading as opposed to learning loss witnessed among students who did not receive interventions during the pandemic.

Heather Stewart, Instructional Coach, Whitley

County Schools, stressed that creativity was key to the program's success during the pandemic. Program administrators worked with school districts to distribute materials and activities, including books, daily activity sheets, toys, games, and reward incentives to families. Ms. Stewart said she has worked in the classroom, as an instructional coach, and as a tutor in the Save the Children program. Currently, she is the program coordinator in her school, as well as a coordinator for other intervention programs. Save the Children makes a daily impact. In order to address literacy of children before they attend school, Save the Children employees work with pregnant mothers and families, even during the pandemic via video calls, to teach literacy interventions that can be used in the home and provide materials such as books and literacy games. Families were excited to receive their interventions because they were in areas without internet and lost human connection during the pandemic. Ms. Stewart said Save the Children asks what the schools need and finds the solutions, unlike some grant programs that dictate what must be done. Mr. Shriver added that the program is working hard to expand to include math and numeracy interventions. The program has bipartisan support from governors and the legislature, united in the effort to get students up to grade level and create a foundation for future success.

Co-Chair Huff said she has witnessed this program in action in Whitley County. Data guides instruction and is put into practice to create a great environment for students who would otherwise be missed. The program also offers excellent nutritional supports for children and families.

Responding to a question from Representative Bojanowski, Ms. Taylor said many of the schools utilize classroom level supports, not only one-on-one interventions, and the same growth rates were witnessed in those cohorts that only receive classroom level programming.

In response to questions from Representative Tipton, Ms. Taylor said the program primarily uses interventions, not tier one instruction, although there is some of that used. Mr. Shriver said the focus of the program is mostly on rural areas that do not have the civic infrastructure of large cities. The program has done limited expansion into urban settings, but there is plenty of need in rural Kentucky at this time. Save the Children does not want to be everything to everyone; instead, they want to stick to what they do well and keep helping in those districts.

In response to a question from Senator Southworth, Ms. Taylor said Save the Children works alongside other programs such as FRYSCs, HANDS, and Read to Achieve. Also, participants in the Save the Children program are typically those who would not qualify for the other programs. Ms. Stewart added that she works as a coordinator to ensure that all students who need assistance can get it. All the students that qualify for a program such as Read to Achieve, are placed there, but there is limited availability. Those

that would otherwise be left out are able to be placed into the Save the Children program. This means the most children are served by best utilizing resources and reducing redundancy.

Responding to a question from Representative Baker, Ms. Stewart said there are suggested books for each reading ability level, and students are allowed to choose from those curated collections based on their interests and reading level. Additionally, Save the Children provides books to the school libraries and to homes based on what topics and authors are popular with children.

Responding to a question from Senator West, Ms. Stewart said there is training for Save the Children staff that is open to parents and other teachers in the schools. This helps parents recognize key developmental milestones and gives them skills for supporting literacy in the home. Instructional coaches in the schools oversee implementation of the program. Mr. Shriver reiterated that the staff in schools are employees of the school districts.

Responding to a question from Senator Meredith, Ms. Taylor said typically the students in Save the Children programs are not the furthest behind, therefore they do not qualify as a critical need according to some other programs' criteria. Ms. Stewart added that some participants would not qualify because they are not receiving special education services, but they may struggle because of a poor home environment. In her school, Read to Achieve can only provide for 30 students, but there are far more who need assistance. Save the Children helps by providing for 90 additional students who would otherwise be left to struggle.

Name, Image, and Likeness (NIL) Legislation

Bart Hardin, Director of Government Relations, University of Kentucky, said the university has been working on rules for name, image, and likeness (NIL) compensation for student athletes for many years and are grateful for the space to work on it with legislators. Ideally, this is a topic that would be addressed by Congress so that all states are on a level playing field; however, until that happens, the universities and colleges are operating under an executive order from the Governor that allowed the school year to begin with some basic ground rules for all Kentucky college athletes. A partnership has been formed among Kentucky's comprehensive universities, and representatives were present from those universities to present proposals for legislation.

Shannon Rickett, Assistant Vice President of Government Relations, University of Louisville, thanked the members for the opportunity to work on this legislation and provide the opportunity for student athletes to earn compensation for the use of their name, image, and likeness.

Angela Curry, General Counsel and Vice President for Legal Affairs, University of Louisville, briefly outlined a proposal for legislation that would do

three things: allow students to earn compensation, place reasonable restrictions, and allow for university immunity.

William Thro, General Counsel, University of Kentucky, said one of the key requirements for universities is the flexibility to impose restrictions. He said they proposed allowing universities to define those requirements, rather than delineating them in legislation, thereby making them more difficult to change as needs change. An example of a reasonable restriction would be the disclosure of any NIL contracts to the university to be vetted in regards to 'pay-to-play' violations and to ensure the contracts do not interfere with student participation in team activities, such as missing practice to sign autographs. He also suggested a non-discrimination provision and a mandate for some level of financial literacy so athletes are aware of the impact NIL contracts could have on their scholarships and tax requirements. Some student athletes will have the opportunity to make a great deal of money very quickly and may not have the proper understanding of tax laws. Universities also want to be insulated from breach of contract lawsuits regarding grants and scholarships, as well as other lawsuits that may arise.

Chair Wise said this is a rapidly evolving subject and agreed that the National Collegiate Athletic Association (NCAA) should have taken a nationwide stance. Concerning the proposed legislation, he asked if it would provide a framework for flexibility to protect both the student athletes and the universities. Ms. Curry said it would by allowing universities to delineate their own reasonable restrictions. Mr. Thro agreed that universities are already navigating unanticipated situations and he hopes that the legislation will continue to allow that flexibility. He also suggested that as young people are getting into complex agreements, it may be necessary for the legislature to revisit the Revised Uniform Athlete Agents Act, which was not part of the NIL legislation proposal, in order to best protect students.

Rachel Baker, Executive Associate Athletics Director for Compliance, University of Kentucky, said athletic compliance is difficult to navigate at this time, but maintained the need to keep NIL contracts from being used as recruitment tools. She has been working with the NCAA on NIL topics for at least 15 years, so while the topic is relevant and swiftly changing now, it is not new. She said it was always apparent that the revenue-generating sports players were likely to see the greatest opportunity to benefit from NIL contracts, but there was a hope that other Olympic sports and women's sports would have opportunities as well. Currently, men's basketball and football are leading in terms of compensation from NIL contracts; however, the third most active has been women's volleyball and a women's track athlete has benefited as an internationally recognized TikTok star. Ms. Baker reported all sports at the University of Kentucky have had at least one athlete take advantage of this opportunity.

Matt Banker, Associate Athletic Director, University of Louisville, said he was excited about the opportunities that have already come into place, especially by enterprising student athletes who are working to elevate their personal brands. Many students are taking advantage in the social media sphere as influencers; however, he cautions that students need more financial literacy to understand the contracts they are signing.

Matt Roan, Vice President and Director of Athletics, Eastern Kentucky University, said he appreciated the opportunity to have flexibility to determine the impact NIL contracts will have at smaller schools by allowing them to adopt their own rules.

Responding to a question from Representative Massey, Mr. Thro said the bill would hopefully contain a reaffirmation of existing immunities. Certainly, if students enter into an agreement and the contract is breached, the students should have the right to redress. The request for university immunity in the bill would be in regards to the universities being sued.

In response to a question from Senator Stivers, Ms. Banker said there were 17 year olds participating in college athletics and therefore eligible to enter into NIL contracts. Senator Stivers said that it may be necessary for the legislature to consider that and what will happen to younger students whose parents may sign contracts for them in hopes that someday they will be able to capitalize on them.

Responding to questions from Senator West, Mr. Thro said the universities already have the authority to allow these contracts under executive order, but it would be helpful for the legislature to codify into law that the students have a right to compensation, that universities have the authority to set conditions around NIL contracts, and to protect universities from litigation as is already allowed in other instances. This would also standardize practices across the state and allow for interstate comparisons and standardization, as many other states are also setting forth NIL contract language in their statutes.

Representative Koenig commented that it was understandable to desire a single standard from the federal government; however, at recent National Conference of State Legislatures (NCSL) meetings, it was affirmed that the authority to allow or prohibit NIL contracts, and to set forth standards regarding them, belongs to the states. Many state representatives are reluctant to cede that authority to the federal government, especially as what is needed by Kentucky universities may be different than other state universities.

In response to questions from Representative Timoney, Ms. Baker said federal legislation would help recruiters who travel nationally know the standards, as well as parents and students who may be confused by various state laws and uncertain of the differences. Consistency would help ensure compliance as well. Mr. Banker said it was necessary to focus on what can be done at the state level now, rather than wait for a federal legislative solution. Mr. Thro said there has

been discussion in Congress about the need to provide a nationwide standard, but there is disagreement on what that standard would look like. In regards to the 'reasonableness' provision, Ms. Curry said they had used the executive order as a guide and instituted common sense prohibitions such as no promotion of alcohol, sex, illegal goods or services, or infringement on university trademarks. Representative Timoney commented that the legislature needs to consider this topic carefully because there may be implications for high school students and a need to educate parents about when and how to hire a lawyer to negotiate these contracts.

Chair Wise did clarify that the proposed legislation should deal only with current and future student athletes, not make allowances for former athletes seeking royalties or retroactive compensation.

School-Based Decision Making (SBDM) Council Legislation

Senator Schickel was present with Davonna Page, President, Kentucky School Boards Association, and Sally Sugg, Superintendent, Shelby County Schools to discuss legislation addressing school-based decision making (SBDM) councils. He has worked on this legislation for many years and some version has passed out of the Senate Standing Committee on Education for the last three years. He said there is extra urgency this year to address SBDMs in light of the discussions surrounding curriculum decision making. Ms. Page said the school system is the responsibility of the whole community and board members are elected as part-time citizen lawmakers, indicating that all citizens should have a voice in the process of educating the children in their communities. Unfortunately, key aspects of that oversight were moved from board members to SBDM councils, and there is disconnect between the groups that leads to a lack of transparency and accountability.

Proposed legislation would give superintendents the hiring authority for principals after consulting with the school council and would give superintendents authority for curriculum planning and alignment. Curriculum should be more aligned across schools and districts as well as with the state standards. This would require more collaboration between all stakeholders, including parents, teachers, students, and staff.

Dr. Sugg said ultimate responsibility for schools does fall to school boards and superintendents. As school boards represent the community, constituents reach out to board members before reaching out to SBDMs, but often those concerns are not within the authority of the board to address. SBDMs should serve like a school board to receive concerns from parents, but do not function like that in practice. The highest performing school districts and schools use a collaborative approach between SBDMs and school boards, and those districts should be evaluated to create a standard across the state. There also needs to be more collaboration with the local business

communities, which are not represented on SBDMs. When alignment is lost, it becomes difficult for students, especially the highly transient population, and results in learning gaps. Eric Kennedy, Director of Advocacy, Kentucky School Boards Association, said as this topic has come to the forefront of public awareness, a legislative solution is necessary, and the KSBA looks forward to working with the legislature during the upcoming legislative session.

Representative Massey said he is not opposed to local control, but school board members are elected and responsible to their constituency while SBDM positions are often difficult to fill. Also, in the event of conflicts between SBDMs and school boards, superintendents have to walk a fine line, so it is time to make some changes to the structure to improve the system. In response to those parents who claim they need SBDMs to have a voice, he said school board meetings are public and are the opportunity for parents to have a voice in the decision making process.

In response to a question from Representative Bojanowski, Senator Schickel said ultimate responsibility for principal hiring and curriculum decisions would fall to the superintendent after consulting with SBDMs under his proposal.

Representative Decker said citizens are concerned about SBDMs and want to know who is in charge in schools. Parents feel that their voice depends on having a strong parent representative on the SBDM council in their school; otherwise, it becomes a token position to simply approve decisions made by someone else. Standardization among the schools needs to happen so all children have a quality education.

Representative Timoney commented that SBDMs were created with KERA, and it is now time to reevaluate that system and make changes. There are examples of SBDMs that are doing well and those that are doing very little, and reform to the system will make it better for a new generation.

Responding to a question from Senator Thomas, Senator Schickel said parents do serve on school boards as well as on SBDMs, but the unique aspect to school boards is that they are elected public officials because the public needs a say in how schools use taxpayer money. He feels it is best for the elected school board to have greater authority. Ms. Page added it is not the intention of the school boards to cut parents out of the process but to make the lines of communication and decision making clearer.

Senator Givens commented that as some form of legislation has passed through the Senate on many occasions, this may be the time to make it a priority to give it time to complete the process through the House chamber and make the necessary revisions to the SBDM structure that clearly have been discussed for many years.

With no further business to come before the committee, the meeting adjourned at 1:01 p.m.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Education Minutes of the 6th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The 6th meeting of the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations & Revenue was held on Tuesday, November 16, 2021, at 11:00 AM, in Room 154 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representatives James Tipton, Co-Chair, and Steve Riley, Co-Chair; Senators Alice Forgy Kerr, and Dennis Parrett; Representatives Kim Banta, Tina Bojanowski, Randy Bridges, Ken Fleming, Kelly Flood, Derrick Graham, Regina Huff, Bobby McCool, and Charles Miller.

Guests: Chelsey Couch, Executive Director, School Facilities Construction Commission; Kristi Russell, Financial Analyst, School Facilities construction Commission; Dr. Aaron Thompson, President, Council on Postsecondary Education; Travis Powell, Vice President and General Counsel, Council on Postsecondary Education; Clara Ross Stamps, Acting President, Kentucky State University; Greg Rush, Vice President for Finance and Administration, Kentucky State University.

LRC Staff: Jennifer Krieger, Savannah Wiley, Liz Columbia, and Amie Elam

The minutes from October 6, 2021, were approved in their entirety.

School Facilities Construction Commission

Chelsey Couch and Kristi Russell spoke to the committee about school district facility needs. The presentation included information about the state of emergency assistance fund that is being used to help school districts rebuild after FEMA money has been fully expended.

In response to a question from Representative Bojanowski, Ms. Couch said that for some districts the biggest monetary challenge is the local tax base. In Eastern Kentucky, as a result of a smaller tax base to collect on, the contribution to school districts is much less than other parts of the state. She said that the current cost of construction plays a role in which maintenance projects can be completed. Ms. Couch agreed to provide information on Jefferson County's unmet needs.

In response to a question from Representative Tipton, Ms. Couch said that smaller districts reduced bonding capacity is taken into consideration when it comes to the local match they are required to collect. Ms. Couch said there is \$6 billion in unmet facility

needs across the commonwealth.

Kentucky State University Update (KSU)

Dr. Aaron Thompson, Travis Powell, Clara Ross-Stamps, and Greg Rush provided the committee with an update on the financial status of Kentucky State University.

In response to a question from Chair West, Mr. Powell said that they were unable to replicate audited financial statements or working papers to verify the numbers being reported by KSU. Mr. Rush said that the internal auditor left in 2017. He said a request for proposal (RFP) was submitted but not completed to fill the position. Mr. Powell said that Council on Postsecondary Education (CPE) recommends the auditor function be outsourced. Mr. Rush said that outsourcing the audit function will allow KSU to gain a broader set of skills and experts.

In response to a question from Representative Fleming, Dr. Thompson said that CPE is not only looking at the financial health of KSU. He said CPE is looking at academic and student success structures. Mr. Rush added that excellent reporting and transparency with the board is imperative to ensuring KSU is never in this position again. He said the board and CPE must have faith in what is reported by the university.

In response to a question from Representative Tipton, Dr. Thompson said that CPE serves as a coordinating board that cannot look deeply into each university's finances. He added that the hope is that each university is transparent with reporting. Mr. Rush said that the financial change from 2018 to 2019 went unnoticed because only the net positions were being reviewed. He added that the financial information the board was receiving was both delayed and disorganized.

In response to a question from Chair West, Mr. Rush said that in March of 2019 KSU began to draw from a revenue anticipation note. Ms. Ross-Stamps said the board was not made aware of any financial troubles at this time. She said the borrowing was explained as part of construction project needs.

In response to a question from Representative Bridges, Mr. Rush said that there has not been any evidence of missing money or criminal activity. He added that there was evidence of mismanagement and overspending.

In response to a question from Representative Thomas, Dr. Thompson said that there is an independent audit conducted at KSU annually. Dr. Thompson said that CPE will recommend that KSU be required to present the independent audit findings and additional financial information to the General Assembly for the foreseeable future.

There being no further business to come before the subcommittee, the meeting was adjourned at 12:40 p.m.

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 7th Meeting
of the 2021 Interim
November 23, 2021

Call to Order and Roll Call

The 7th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Tuesday, November 23, 2021, at 1:00 PM, in Room 154 of the Capitol Annex. Senator Ralph Alvarado, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ralph Alvarado, Co-Chair; Representative Kimberly Poore Moser, Co-Chair; Senators Julie Raque Adams, Karen Berg, Danny Carroll, David P. Givens, Denise Harper Angel, Jason Howell, Stephen Meredith, Michael J. Nemes, and Max Wise; Representatives Danny Bentley, Adam Bowling, Josh Bray, Tom Burch, Ryan Dotson, Daniel Elliott, Ken Fleming, Deanna Frazier, Mary Lou Marzian, Melinda Gibbons Prunty, Felicia Rabourn, Josie Raymond, Steve Riley, Scott Sharp, Nancy Tate, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Cory W. Meadows, Deputy Executive Vice President, Director of Advocacy, Kentucky Medical Association; Susan R. Bailey, MD, Immediate Past President, American Medical Association; Kimberly Horvath, Senior Legislative Attorney, American Medical Association; Jim Musser, Vice President, Policy and Government Relations, Kentucky Hospital Association, Chairman, Partnership for Commonsense Justice; Kentucky Chamber of Commerce; Nathan Morris, Vice President, Legislative Affairs, United States Chamber Institute for Legal Reform; Cory W. Meadows, Deputy Executive Vice President Director of Advocacy, Kentucky Medical Association; Ben Chandler, President, Chief Executive Officer and Allison A. Adams, RN, VP, Policy, Foundation for a Healthy Kentucky; and John Inman, Chief Policy Officer, Chase Coffey, Senior Policy Advisor, and Teresa Cooper, Director of Regulatory Affairs, Kentucky Primary Care Association;

LRC Staff: DeeAnn Wenk, Ben Payne, Chris Joffrion, Samir Nasir, Becky Lancaster, and Amanda DuFour.

Approval of Minutes

A motion to approve the minutes of the October 20, 2021, meeting was made by Representative Moser, seconded by Senator Raque Adams, and approved by voice vote.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 020:057 Proposed** - Scope and standards of

practice of advanced practice registered nurses; **201 KAR 021:035 Proposed** - Seal; **201 KAR 021:054 Proposed** - Emergency orders; **201 KAR 021:070 Proposed** - Licensing examination requirements; **201 KAR 021:090 Proposed** - Pre-chiropractic education requirements; **201 KAR 021:100 Proposed** - Minimum standards for recordkeeping or itemized statements; **201 KAR 022:045 Proposed** - Continued competency requirements and procedures; **201 KAR 047:010 Proposed** - Home medical equipment and supplier licenses, requirements, and fees; **201 KAR 047:030 Proposed** - Complaint and disciplinary process; **902 KAR 048:010 Proposed** - Definitions for 902 KAR Chapter 48; **902 KAR 048:020 Proposed** - Training and certification requirements for persons who perform lead-hazard detection or abatement; **902 KAR 048:030 Proposed** - Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement; **902 KAR 048:040 Proposed** - Lead-hazard abatement permit fees, permit requirements and procedures, and standards for performing lead-hazard detection and abatement; **907 KAR 023:020 Emergency** - Reimbursement for outpatient drugs; **921 KAR 001:400 Proposed** - Establishment, review, and modification of child support and medical support orders; **921 KAR 002:015 Proposed** - Supplemental programs for persons who are aged, blind, or have a disability; **921 KAR 003:060 Proposed** - Administrative disqualification hearings and penalties; **921 KAR 004:116 Proposed** - Low Income Home Energy Assistance Program or "LIHEAP"; **922 KAR 001:300 Proposed** - Standards for child-caring facilities; **922 KAR 001:380 Proposed** - Standards for emergency shelter child-caring facilities; and **922 KAR 002:160 Emergency** - Child Care Assistance Program. The above administrative regulations were reviewed.

Scope of Practice in Healthcare

Cory W. Meadows, Deputy Executive Vice President, Director of Advocacy, Kentucky Medical Association, discussed the meaning of scope of practice for a health provider. He discussed who creates and controls the scope of practice for each provider group. He discussed the physician-led team based care model to promote efficiency and high quality care for patients.

Susan R. Bailey, MD, Immediate Past President, American Medical Association (AMA), discussed how Kentucky compares to surrounding states on state laws regarding nurse practitioner and physician assistant scopes of practice.

In response to questions and comments from Senator Alvarado, Dr. Bailey stated that the study in her presentation reviewed 2015 Medicare claims in the United States and is not state specific.

In response to questions and comments from Representative Moser, Dr. Bailey stated that there are interstate license compacts. Kimberly Horvath, Senior Legislative Attorney, American Medical Association,

said that there are a couple of states that have shared oversight authority in some instances.

In response to questions and comments from Representative Bentley, Dr. Bailey stated that "stop scope creep" is a term that means limiting the expansions of scope of practice. She stated that AMA believes the increased education and training of physicians qualifies them to be the leader of a healthcare team and is best for safe patient care.

In response to questions and comments from Representative Willner, Dr. Bailey stated that it is important for care teams and providers to work together.

In response to questions and comments from Senator Meredith, Mr. Meadows stated that full access to care will be accomplished when all types of providers are in all areas of the state.

In response to questions and comments from Senator Raque Adams, Dr. Bailey stated that Kentucky has done a good job at having physician lead care teams. She stated the data in her presentation included states where nurse practitioners and physician assistants have full prescribing authority. She stated that physician prescribing of opioids has gone down consistently but not for nurse practitioners and physician assistants.

In response to questions and comments from Senator Alvarado, Mr. Meadows stated that there are varying degrees of supervision for nurse practitioners. Physician assistants are directly supervised by physicians and regulated by the Kentucky Board of Medical Licensure however, nurse practitioners are regulated by the Kentucky Board of Nursing and work collaboratively with a physician.

In response to questions and comments from Senator Berg, Dr. Bailey stated that she believes that the physician has the overall responsibility for the patients care. Dr. Alvarado stated that there is not a requirement for a doctor to be paid to supervise nurse practitioners.

Liability Reform

Jim Musser, Vice President, Policy and Government Relations, Kentucky Hospital Association, Chairman, Partnership for Commonsense Justice, testified that health provider insurance premiums are increasing. He discussed how providers are concerned about paying insurance premiums and protecting themselves from lawsuits. He testified that when providers are pushed into practicing defensive medicine the costs for the patients increase. He discussed how the judicial branch has struck down liability reforms passed by the legislature.

Kate Shanks, Senior Vice President, Public Affairs, Kentucky Chamber of Commerce, testified that liability reform is a broad business perspective. She said that webinars were hosted by the Kentucky Chamber of Commerce addressing COVID-19 protocols and regulations to mitigate risks for business owners. Nathan Morris, Vice President, Legislative Affairs, United States Chamber Institute for Legal Reform, discussed research products that include a

ranking of states' legal climates based on senior in-house attorneys' perceptions of states' legal climates. He discussed how the legal climates rankings impact companies' decisions on where to invest or grow.

Cory W. Meadows, Deputy Executive Vice President, Director of Advocacy, Kentucky Medical Association, urged the Kentucky General Assembly to pass the provisions of 2021 Regular Session Senate Bill 5 again to protect healthcare providers. He testified that Kentucky's liability system is fundamentally broken and needs to be fixed to ensure greater fairness and predictability within the legal system. He recommended that the state constitution should be amended to provide the legislature greater latitude to decide what reforms are needed.

In response to questions and comments from Senator Alvarado, Mr. Morris stated that contingency fees are between the plaintiff and client and are not disclosed in the normal course of business. Mr. Meadows stated that typically, people do not see the prelitigation phase that usually lasts a long time and most often does not proceed to a trial by jury.

In response to questions and comments from Representative Burch, Mr. Meadows stated that there have been various proposals for new legislation regarding liability reform including constitutional amendments. He stated there was a study that reviewed Medicare claims and showed medical costs would be lowered with liability reform.

In response to questions and comments from Representative Gibbons Prunty, Mr. Meadows stated that he is not aware of data regarding how many physicians have left Kentucky due to tort reform but is aware of the issue.

In response to questions and comments from Representative Webber, Mr. Meadows stated that a combination of liability issues and over prescribing by physician assistants and nurse practitioners, are drivers that lead to higher healthcare costs.

In response to questions and comments from Senator Berg, Mr. Meadows stated that Indiana has medical review panels and a patient compensation fund that providers pay into to address patient injuries.

All Payers Claims Database

Ben Chandler, President, Chief Executive Officer, Foundation for a Healthy Kentucky, discussed the lack of healthcare data related to payers' claims. He testified that an all payers claims database could be used to gather data that could be relied upon for decision makers to improve the health of Kentuckians. He stated that an all payers claims database is about transparency, cost containment, and studying the trends of payer claims for solutions.

Chase Coffey, Senior Policy Advisor, Kentucky Primary Care Association (KPCA), discussed KPCA's existing partnership with the Kentucky Health Information Exchange and primary care providers. He discussed each of the four pillars of an all payers claims database, and the mission of an all payers claims database to put health before healthcare.

In response to questions and comments from Senator Alvarado, Mr. Coffey stated that KPCA believes that concerns regarding business opportunities that could undercut providers can be addressed in the contract agreements once the legislation is implemented.

In response to questions and comments from Representative Bentley, Mr. Chandler stated that transparency is critical for consumers to know what they are paying for in the claims. He advised legislators to review what has worked and not worked for the 19 other states that have an all payers claims database.

In response to questions and comments from Representative Fleming, Mr. Chandler stated that when the legislation is being written, legislators will need to review the best way to apply best practices to the overall plan.

In response to questions and comments from Senator Meredith, Mr. Chandler stated that the General Assembly will need to create and implement a mechanism to ensure that the data collected will be used.

Adjournment

There being no further business, the meeting was adjourned at 3:22 PM.

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 6th Meeting of the 2021 Interim

November 17, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Judiciary was held on Wednesday, November 17, 2021, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Whitney Westerfield, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Representative C. Ed Massey, Co-Chair; Senators Karen Berg, Danny Carroll, Alice Forgy Kerr, Gerald A. Neal, John Schickel, Wil Schroder, Robert Stivers, Johnnie Turner, Stephen West, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, McKenzie Cantrell, Jennifer Decker, Daniel Elliott, Joseph M. Fischer, Samara Heavrin, Nima Kulkarni, Derek Lewis, Savannah Maddox, Chad McCoy, Patti Minter, Kimberly Poore Moser, Jason Nemes, Jason Petrie, Attica Scott, and Pamela Stevenson.

Guests: Jennifer Green, Edward Harness, Representative Patrick Flannery, Stacy Tapke, Alan George, Eric Johnson, Kyle Smith, Blake Christopher, and Charlotte Weddington.

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

Approval of the October 7, 2021 Minutes

Representative Heavrin made a motion to approve the October 7, 2021, minutes, seconded by Senator Turner, and passed by voice vote.

Louisville Metro Government Civilian Review and Accountability Board

Jennifer Green, Board Chair, presented on civilian review and accountability. The Civilian Review Board work group conducts research to provide the most accurate recommendations to include additional independent review for the Louisville Metro Police Department (LMPD) agencies. The scope of authority increases the Jefferson County citizens' involvement with investigations and reviewing police misconduct allegations.

In response to Senator Carroll, Ms. Green stated that there is not a designated liaison with the LMPD with whom she makes contact for board relations.

Representative Blanton recommended pursuing an individual that has law enforcement experience to be on the Civilian and Accountability Review Board.

Representative Bratcher requested documentation on the geographical areas in which the board members reside.

In response to Representative Nemes, Ed Harness, Inspector General, stated if a complaint is lodged against a law enforcement officer, the officer will be afforded all procedural due processes.

Proposed D.U.I. Legislation

Representative Patrick Flannery presented potential legislation regarding search warrant procedures when an offender refuses a request for a blood test. Alan George, Treasurer of the Kentucky County Attorneys Association and Woodford County Attorney, explained that the Kentucky Supreme Court's McCarthy opinion rendered on April 29, 2021, has had a significant impact on D.U.I. prosecutions in Kentucky. The McCarthy case states D.U.I. arrestees have a constitutional right to refuse a blood test and that refusal cannot be used as evidence or for penalty enhancement. A warrant for a blood test is necessary to prosecute defendants that are driving under the influence of drugs or alcohol. In 2020, drugs were a factor in 54 percent of Kentucky's impaired driving accidents, and there were 173 deaths as a result of impaired driving.

In response to Senator Carroll, Stacy Tapke, President of the Kentucky County Attorneys Association from Kenton County, stated that the McCarthy case is being appealed to the United States Supreme Court, and was reconsidered by the Kentucky Supreme Court, but the reconsideration was denied.

Senator Turner requested statistics on individuals who served time in a correctional facility after submitting to a blood screening for a D.U.I. related charge, resulting in a negative blood test for drugs or alcohol.

In response to Senator West, Mr. George stated that states who have implemented the use of a search

warrant for a blood test have been successful in their use.

In response to Representative Nemes, Representative Flannery stated that additional language will be considered before the bill is prefiled.

Supporting Heroes

Eric Johnson, Executive Director, presented on the Supporting Heroes organization. For 17 years, Supporting Heroes, a nonprofit organization whose mission is to honor line of duty deaths, has supported families of those that have lost their lives.

Senator Carroll requested a summary of assistance needed from the Kentucky General Assembly for the Supporting Heroes Foundation.

Casey's Law Update

Representative Moser presented on the Matthew Casey Weddington substance abuse intervention law. From 2004 to 2021, there have been approximately 6,000 cases of Kentucky citizens using Casey's Law for court-ordered drug abuse treatment. Blake Christopher, Deputy General Counsel, Office of Kentucky Attorney General, explained that several Kentucky counties have concerns about the constitutionality of the law and will not allow for petitions to be heard. Changes that the Kentucky Attorney General's office would like to be implemented on the current Casey's law include adding the beyond a reasonable doubt standard that the petition must satisfy before someone can be committed to court-ordered treatment. Clearly providing a substance abuse dependent individual the right to cross-examine health care professionals who submit testimony about the individual's condition is also recommended. These changes would preserve the current Casey's law provision and ensure that it can be enforced.

There being no further business the meeting adjourned at 12:53 P.M.

INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS

Minutes of the 6th Meeting of the 2021 Interim

November 18, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on Thursday, November 18, 2021, at 11:00 AM, in Room 131 of the Capitol Annex. Representative Adam Koenig, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator John Schickel, Co-Chair; Representative Adam Koenig, Co-Chair; Senators Julie Raque Adams, Jimmy Higdon, Michael J. Nemes, Damon Thayer, and Reginald Thomas; Representatives Kim Banta, Kevin D. Bratcher, Tom

Burch, Patrick Flannery, Al Gentry, Thomas Huff, Matthew Koch, Chad McCoy, Reginald Meeks, Michael Meredith, Jerry T. Miller, Kimberly Poore Moser, Ruth Ann Palumbo, Phillip Pratt, Sal Santoro, and Killian Timoney.

Guests: Mary Harville, President & CEO, Maggie Garrison, Vice President & Corporate Controller, Kentucky Lottery Corporation; John Goldberg, Outside Counsel for the Kentucky Lottery Corporation, Goldberg Simpson; Madge E. Vail, Vice President of Compliance and Regulatory Affairs; Lancaster Bingo Company; John Ward, President, Kentucky Sheriff Association; Gene Cole, Kentucky League on Alcohol and Gambling Problems; Erin Klarer, Kentucky Higher Education Assistance Authority; Kama Reed, B.J. Novelty; Mike Barry and Paul Goldean, Pace-O-Matic; Bob Heleringer, Wildcat Games; Representative Lisa Willner; Dr. Sheila Schuster, Executive Director, Advocacy Action Network; Dr. Eric Russ, Executive Director, Kentucky Psychological Association; Carolyn Basford, President, Kentucky Board of Durable Medical Equipment Suppliers; and Jennifer Doering, General Manager, Chaz Seligman Distributing.

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

Approval of Minutes from October 21, 2021, Meeting

Chairman Schickel motioned to approve the meeting minutes from October 21, 2021, meeting and Representative Koch seconded the motion. Motion carried.

Kentucky Lottery Corporation

The President/CEO of the Kentucky Lottery Commission said lottery-funded scholarships and grant programs include: Kentucky Education Excellence Scholarship (KEES), College Access Program (CAP), Kentucky Tuition Grants (KTG), Work-Ready Kentucky Scholarship, Dual Credit Scholarship, and the National Guard Tuition Award. More than \$4 billion in proceeds have provided over 2.43 million scholarships and grants since 1999. In 2019, over 138,660 Kentucky students received a grant or scholarship paid for by Kentucky Lottery proceeds, while 98 percent of student financial aid awarded by the Commonwealth comes straight from the sale of Kentucky Lottery tickets.

The president/CEO said unregulated gaming machines, also referred to as "skill" or "gray" machines, are harming lottery proceeds. The gray machines are placed in the same locations as the lottery sales, such as convenient stores and gas stations. They are unregulated and once the machines are installed, stores can see sales of \$20,000 annually. Some machines have Fraternal Order of Police (FOP) stickers and the association does get a cut of the profit from those machines. Retailers can earn 40 percent of profits from gray machines, while only getting 6.25 percent of lottery profits.

People remain confused about the legality of the unregulated gaming machines. If the machines are deemed illegal, it can have consequences for the store owner. A gambling conviction can result in all lottery sales being removed. The president/CEO said lottery sales are down three percent in places where these machines are located, and up four percent in places that do not have the machines. Neighboring states vary on handling the gray machines. Some states do not want them at all; while Georgia is working on regulating and taxing them.

The President of the Sheriff's Association, said the association is requesting clarity on the law. Responding to Senator Thomas, he said he is not aware of minors playing the gray machines, or if an elevated number of disorderly conduct and assault charges have been reported in locations with the machines.

The outside counsel for the Lottery Corporation said he has provided counsel to the Lottery for over 20 years, and has never seen anything so blatantly illegal as these machines. He said the gaming machines are not games of chance, and are hurting lottery sales and subsequently Kentucky students by reducing scholarship dollars. He has sent a request for an opinion to the Kentucky Attorney General, and is waiting for a response.

The Vice President of Compliance and Regulatory Affairs, Lancaster Bingo Company, said the unregulated gaming machines hurt charitable gaming. The gray machines are not required to be audited or submit reporting. She has to hire volunteers to regulate payment, but is curious who is regulating payment for this industry.

Responding to a question from Senator Higdon, the Lottery's counsel said local sheriffs, police, and the Kentucky State Police are responsible for enforcing violations of Kentucky law. The law regarding the gray machines is currently awaiting an Attorney General Opinion in Kentucky. If the ruling outlaws the machines, local law enforcement will be the enforcers. Senator Higdon said this is a serious issue, and it is deceptive for the unregulated gaming machines companies to say they are licensed in Kentucky.

Chairman Schickel said he is an active member of the FOP and suggested the association needs to pull away from partnering with the unregulated gaming machines. He said the machines are illegal, and the FOP should not be associated with them.

Senator Thayer said the machines are illegal, and are not games of skills. He wants legislation introduced in the 2022 Regular Session of the General Assembly to clearly state this.

Representative Timoney thanked the Kentucky Lottery Corporation for providing KEES money to students to help fund their higher education.

Responding to Representative Flannery, the Lottery counsel said there were no current lawsuits against the gray machine companies.

A representative for Wildcat Games, testified in support of the gray machines. He said the gray machines comply with the law and are games

that require skill, which is why there have been no lawsuits to date. He asked the committee not to rush to judgment and create a law until the product is completely researched and explained.

The President/CEO of Pace-O-Matic said his company specializes in games of skill. Terminals are placed for free to operators across the state, and the machines provide vital supplemental income to small businesses. Kama Reed, with B.J. Novelty, has the machines installed in her business in Covington, Kentucky, and said it is a big attraction for her customers. She also noted 90 percent of revenue generated in-state is spent within the state.

Responding to Representative Miller regarding taxes, the Pace-O-Matic CEO said his company pays no taxes to the state except for income tax. In Virginia gray machines are regulated, and over \$130 million was paid in taxes. His goal is to become regulated and pay taxes in Kentucky.

Responding to Chairman Koenig, the Pace-O-Matic CEO said he wanted to try the business county by county before asking the legislature for regulation. He is asking the legislature now to be regulated, but did not before installing the machines in the stores.

Electrical Inspections of Transportation Cabinet Projects

Representative Sal Santoro would like for electrical contractors to have the option of local electrical inspectors or Transportation Cabinet inspectors to inspect electrical work which is not related to buildings for human occupancy performed beyond the service disconnect by or on behalf of the Kentucky Transportation Cabinet by prequalified electrical contractors within the public right of way. There were no questions from committee members.

Licensure of Psychologists

Representative Moser said this legislation addresses the shortage of substance abuse health professionals. Representative Willner and the Executive Director of the Kentucky Psychological Association and Foundation, explained the requirements in the bill. The legislation will make it easier for students with the necessary course hours, but who do not have specific academic degrees, to move to the state and get certification, thus increasing the number of mental health professionals in Kentucky. The changes will be similar to the training of psychologists in Tennessee.

Responding to a question from Chairman Schickel regarding the number of hours of training on cultural issues, Representative Willner said this adds diversity training, but does not increase the number of training hours.

Provision of Sterile Water

The President of the Kentucky Board of Durable Medical Equipment Suppliers asked for changes to allow her licensees to purchase and utilize sterile water. Infections are more common when boiling and handling the water for people being placed on

a ventilator. Prepackaged sterile water would be much safer. Chairman Koenig said the change would be better handled as an administrative regulation, but the Licensing, Occupations, & Administrative Regulations Committee will be ready for legislation if needed.

Malt Beverage Educational Fund

The General Manager of the Chaz Seligman Distributing Company said the Malt Beverage Educational Corporation (MBEC) was established with two major purposes in mind; providing programs aimed at prevention and elimination of underage drinking, and providing education about the dangers associated with underage drinking. For every dollar MBEC raises privately, the state matches with an annual contribution from the tax collected on the sale of malt beverages.

The combination and cooperation of this private-public partnership has enabled many organizations to promote and produce programs aimed at preventing and eliminating underage drinking in Kentucky, and has helped thousands of youth to enjoy meaningful times in their lives in safe and happy environments through Project Prom and Project Graduation. Since MBEC's inception (over 23 years ago) it has donated nearly \$2 million to high schools to help fund Project Prom and Project Graduation programs alone. MBEC has also funded nearly \$100,000 in grants, and over \$110,000 in "mentoring" programs.

The Kentucky Beer Wholesalers Association is asking the legislature to give the MBEC Board more flexibility in how to utilize funds. The new proposal would allow some of the funds to be spent on scholarships for college and technical school students who have demonstrated an interest in working for a licensed distributor. These young people would be allowed to receive a stipend to further their education, while at the same time, getting an opportunity to expand their interest in "real time" and "real job" opportunities that have the potential of folding into career paths.

The scholarship dollars could be aimed at creating diversity in the business community and for students who are interested in career opportunities that have been previously prohibited by archaic and out-of-date laws. At this time, no one under 21 can be employed to work for a licensed distributor or in the warehouse. By law, some people are prohibited from seeking top-end jobs and career opportunities that exist in the marketplace. If the artificial barriers are eliminated, it would not only allow for greater opportunities for deserving students, but also help some of our business leaders to address severe worker shortages in critical areas of employment.

Finally, it would allow MBEC to expand its' mission and assistance by providing education. The program could provide educational information to high school students on the dangers of underage drinking, but it would provide continuing education opportunities after high school into college or technical school, and

provide a career path toward the future.

With no further business before the committee, the meeting adjourned at 12:20 p.m.

INTERIM JOINT COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 7th Meeting

Of the 2021 Interim

November 22, 2021

Call to Order and Roll Call

The 7th meeting of the Interim Joint Committee on Local Government was held on Monday, November 22, 2021, at 10:00 AM, in Room 154 of the Capitol Annex. Senator Robby Mills, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robby Mills, Co-Chair; Representative Michael Meredith, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Morgan McGarvey, Michael J. Nemes, Wil Schroder, Adrienne Southworth, and Damon Thayer, Representatives Danny Bentley, Josh Bray, George Brown Jr., Ken Fleming, Deanna Frazier, Regina Huff, Mary Beth Imes, DJ Johnson, Adam Koenig, Mary Lou Marzian, Jerry T. Miller, Brandon Reed, Rachel Roberts, and Walker Thomas.

Guests: Jim Henderson, Shellie Hampton, Gracie Lagadinos, and Grace Clark, Kentucky Association of Counties; Jerry Wagner, Kentucky Sheriff's Association; Todd Ruckel, Kentucky County Judge/Executives Association; Tony Wilder, Kentucky Council of Area Development Districts; and Mack Bushart, Property Valuation Administrators.

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

Approval of Minutes

Upon the motion of Senator Alvarado, seconded by Representative Bentley, the minutes from the October 19, 2021 meeting were approved.

Kentucky Association of Counties' Legislative Platform for the Upcoming 2022 Session of the General Assembly

Mr. Jim Henderson, Executive Director/CEO of the Kentucky Association of Counties (KACo) told the committee that KACo's top priority for the 2022 Session was to educate and inform by telling the county story. KACo's top priority does not require legislation or funding. KACo is committed to informing the policymakers about the functions and roles played by county government, including the constitutionally required duties counties must perform on behalf of the Commonwealth. People are not fully aware of the many roles of the county and county officers, such as the county's responsibility for incarcerating persons charged with breaking laws regardless of whether or not the county operates a jail and the sheriff's importance in tax collection.

Ms. Shellie Hampton, Director of Government

Affairs with KACo, pointed out that KACo's 2022 legislative priorities include five categories: to educate and inform, which Mr. Henderson discussed; county jails; transportation; criminal justice; and revenue and budgets.

In regard to county jails, Ms. Hampton stated that Kentucky's incarcerated population is being driven in large part by addiction and a mental health crisis, or inmates with a combination of the two. Law enforcement is usually who is called to handle situations with this population, and often feels it has few other options but to take them to jail.

The jail crisis across Kentucky affects every county, whether it operates its own jails or contracts with neighboring counties to house inmates. Each county is financially responsible for its own incarcerated population regardless of where they are housed. The state also faces corrections-related challenges. The growth of Kentucky's population has far outpaced the state's population growth. Between 2011 and 2019, the state's population grew by two percent. Counties' incarcerated population grew by 31 percent, which means an increase in the financial obligation of the state and counties.

Counties spend over \$100 million a year in jail-related costs for inmates who are arrested and charged on state crimes. Over 21,000 inmates are housed in county jails. Expenses have exploded with the COVID pandemic. Recruitment and retention challenges, present in the public sector as well as the private sector, not only affect jails, but also affect sheriffs, fire departments, road departments, 911 call centers, and paramedic staff.

For persons who are arrested for violations of state crimes, counties are not reimbursed for the housing of those persons until after trial and sentencing has been determined, which can take years. The per diem of \$31.34 has not increased since 2008, and does not cover actual costs which averages the state at \$45 per day. Adjusting the \$31.34 sum from 2008 to account for inflation, that number equals around \$40. KACo plans to pursue fulfillment of the \$12 million allocated by the General Assembly from the American Rescue Plan Act (ARPA).

KACo's board voted transportation funding as a top priority again for 2022. More than 40 percent of county roads are in need of moderate to significant repair, and a quarter of KACo's members have said that more than 60 percent of their roads are in need of moderate to significant repair.

Over 95 percent of the state road fund is supplied by four revenue streams. Those streams are the motor fuels tax, the motor vehicle usage tax, the motor vehicle license tax, and the weight distance tax. Out of those revenue sources, counties only receive a minor portion from one--the motor fuels tax--to help supplement county funds. Counties own and maintain half of Kentucky's 80,000 miles of roads.

While the overall road fund has seen some growth, the motor fuels tax has declined since 2015 when the General Assembly passed legislation that instituted a

floor on the decrease in motor fuels revenues which did help stabilize decreasing revenues.

KACo thanks Representative Santoro, who has led the transportation issue since the start, sponsoring legislation for the last four sessions that would begin to address the need.

Fifteen other states have increased road funds and fees in just the last six years, including Indiana, Tennessee, Ohio, West Virginia, and Illinois. This past spring, Missouri voted to increase its motor fuels tax 2.5 percent over five years.

Representative Santoro's bills included electric vehicles, which use the road but do not pay into the road fund, to begin contributing to that revenue stream. With electric vehicles presently accounting for less than one percent of cars on the road in Kentucky, this will only generate a small amount in the first year based on last year's bill. It is a forward-looking approach for such a small but growing percentage of all cars on the road. Global automakers are beginning to phase out internal combustion engines with plans to completely do so in 15 to 20 years. The time for Kentucky to address electric vehicles is now. Thirty states, including all of those surrounding Kentucky, have already instituted an electric vehicle fee. The vast majority of those continue to share that revenue with their counties. KACo is asking for the same sharing of revenues, as the electric vehicle market will only continue to grow.

Criminal justice issues impact counties on many fronts. Virtual court appearances or video arraignments has been an option for several years, but some jails could not afford the technology or judges refused to use it, insisting that every inmate be physically present in the courtroom for every hearing. That is a particular challenge when that inmate is being housed in, for example, Kenton County, but must be driven to Fulton County for the appearance. That is a full day on the road away from their home county, leaving their home department short-staffed and risking the safety of the deputies. COVID spurred the Supreme Court to order video arraignments on jails and while it has saved money, time, and safety in terms of transport, it increased pressure on jails to provide the technology, provide space for private conversation with attorneys, and install the equipment required for those in attendance in the courtroom to be able to see and hear them. KACo is working with a large stakeholder group to implement and begin using equipment provided by the \$14 million allocated by the General Assembly this year.

Regarding revenue and budgets, Mr. Henderson stated that KACo is pursuing options to improve county revenue flexibility and diversification which includes changing the Constitution. KACo is working to maintain transparency and increase efficiency while reducing costs of required county audits, including expansion of competitive, market-based solutions.

In response to a question from Representative Miller, Ms. Hampton replied that the federal government's contribution to the jail per diem depends on the

contract each county has with the federal government, but is usually in the mid to high 40's or sometimes the 50's.

Responding to a question from Representative Frazier, Ms. Hampton stated that there are plenty of stakeholders regarding video arraignments. The stakeholders include all county offices.

Responding to a question from Representative Bentley, Mr. Henderson said counties are having conversations with the Attorney General's Office regarding spending the global opioid settlement money. KACo supports spending the money in a collaborative manner among the counties.

In response to a question from Senator Nemes, Mr. Henderson stated that KACo has looked at what other states are doing to integrate electric vehicles into the tax structure. KACo would be open to having a usage tax instead of an electric vehicle and gas tax, but the bottom line is having enough funds available, no matter the tax model.

In response to a question from Senator Alvarado regarding tax reform, Mr. Henderson replied that most county officials would welcome having more control at the county level in setting tax rates established by sub county entities.

In response to another question from Senator Alvarado, Mr. Henderson stated that redistricting of the legislative seats would be better if it were performed sooner than later. County clerks draw local precinct boundaries based on that information.

Representative Koenig commented that he has sponsored a couple of bills to form a task force on electric vehicles that would look at the issue of charging by the number of miles travelled rather than the amount of gas purchased.

Senator Mills announced that this was the last committee meeting of the interim.

There being no further business, the meeting was adjourned at 10:50 a.m.

INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENERGY

Minutes of the 6th Meeting of the 2021 Interim

November 17, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Natural Resources and Energy was held on Wednesday, November 17, 2021, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Jim Gooch Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon Smith, Co-Chair; Representative Jim Gooch Jr., Co-Chair; Senators C.B. Embry Jr., Denise Harper Angel, John Schickel, Adrienne Southworth, Johnnie Turner, Robin L. Webb, and Phillip Wheeler; Representatives John

Blanton, Adam Bowling, Randy Bridges, Tom Burch, McKenzie Cantrell, Myron Dossett, Ryan Dotson, Jim DuPlessis, Patrick Flannery, Chris Fugate, DJ Johnson, Norma Kirk-McCormick, Suzanne Miles, Melinda Gibbons Prunty, Pamela Stevenson, Bill Wesley, and Richard White.

Guests: Kent Chandler, Chair, Public Service Commission; Representative D.J. Johnson, 13th District; Bob Babbage, Managing Partner, Babbage Cofounder; Aaron Thompson, State Government and Community Relations Advisor, TC Energy; and Tony Hatton, Commissioner, Department for Environmental Protection.

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

The minutes from the meeting of October 7, 2021, were approved by voice vote.

Resource Adequacy in the Commonwealth and the United States

Kent Chandler stated the Public Service Commission (PSC) is a three-member independent regulatory agency, which regulates non-municipal utilities in Kentucky. The PSC does not regulate cooperatives served by the Tennessee Valley Authority. Since 1934, the primary statutory directive of utility regulation in Kentucky revolves around fair, just, and reasonable rates and adequate, efficient, and reasonable service.

According to the North American Electric Reliability Corporation (NERC), resource adequacy is the ability of the electricity system to supply aggregate power and energy to meet the requirements of consumers at any given time. System reliability depends on both resource adequacy and operational reliability to design, plan, and operate the electric grid.

Resource adequacy is primarily the role of the state, especially in traditionally regulated and vertically integrated states such as Kentucky. An electric utility that performs generation, transmission, and distribution within their own company is vertically integrated. Not all states have vertically integrated electric utilities, some are deregulated to foster retail competition. Deregulated states depend on wholesale markets for resource adequacy.

A key tool for ensuring future resource adequacy is the integrated resource plan (IRP), which regulated utilities in Kentucky are required to file every three years with the PSC. IRPs contain forecasts of energy demand, economic and demographic changes, resource acquisitions, and new generation sources over a 15-year planning horizon. They are used by the PSC to ensure that utilities under its jurisdiction will have adequate generation and distribution resources in the future.

The increased prevalence of intermittent, renewable generation sources complicates the planning for future resource adequacy, but energy regulators are adapting to the new planning challenges in numerous ways. By more accurately calculating the generation capacity

credited to the renewable sources and improving modeling for future electricity supply and demand, regulators can better predict capacity needs and set appropriate reserve margins for electric utilities.

In response to Representative Gooch, Mr. Chandler stated in 2020, Kentucky's energy mix was 69 percent coal, 22.5 percent natural gas, and 8 percent hydroelectric. It is unknown how the adoption of more electric vehicles will impact the electric grid. There is adequate generation to meet the demand for electric vehicles in the next 5 to 10 years, because appliances and industrial production have become more energy efficient, which has led to decreased energy demand. Historically, the reserve margin in the United States has been between 13 and 25 percent. Utilities are now considering increasing the reserve margin since there is more dependence on renewable energy sources. Merchant generation sources must absorb the cost of any interconnection issues and cannot impact reliability.

In response to Representative Fugate, Mr. Chandler stated Kentucky Power must have approval from the PSC to transfer or sell its assets. The utility rates cannot be raised without PSC approval.

In response to Representative Miles, Mr. Chandler stated the PSC is understaffed. The complexity of the cases has increased and more staff is needed to ensure decisions will continue to be made in a timely manner.

In response to Representative Flannery, Mr. Chandler stated commercial fleet electric vehicles are a bigger concern than personal electric vehicles, because the increased generation needed would be concentrated in one area.

Representative Gooch spoke briefly about issues with electric generation in Oklahoma and Texas.

Advance Notification of Natural Gas Transmission Pipeline Location

Representative DJ Johnson provided a brief overview of proposed legislation to address the challenges of residential and commercial development regarding natural gas transmission pipelines. There is currently no formal process or timeline for a developer to notify the owner of a natural gas transmission pipeline.

Bob Babbage stated Tennessee has passed similar legislation and Ohio is currently in the process of drafting legislation.

In response to Senator Webb, Aaron Thompson stated the proposed legislation includes a provision to ensure there is an effort on behalf of the developer to communicate with the owner of the natural gas transmission pipeline.

Discussion of Water Permits and Certifications Issued by the Energy and Environment Cabinet

Tony Hatton provided a brief overview of the response letter from the EEC to the committee. There are no energy-related water permits outside of the review timeline. There is one coal-related water permit significantly beyond the review timeline, but other permits must be requested and obtained before

it can be issued.

Senator Smith criticized the permitting process and stated there should be a standard operating procedure.

There being no further business, the meeting was adjourned.

PARI-MUTUEL WAGERING TAXATION TASK FORCE

Minutes of the 5th Meeting

of the 2021 Interim

November 19, 2021

Call to Order and Roll Call

The 5th meeting of the Pari-Mutuel Wagering Taxation Task Force was held on Friday, November 19, 2021, at 10:00 a.m., in Room 169 of the Capitol Annex. Representative Adam Koenig, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Damon Thayer, Co-Chair; Representative Adam Koenig, Co-Chair; Senators Denise Harper Angel, and Christian McDaniel; Representatives Jonathan Dixon, Al Gentry, Matthew Koch, and Jason Petrie.

Guests: Rick Hiles, President, Kentucky Horsemen's Benevolent and Protective Association; Mike Stone, Kentucky Council on Problem Gambling; and Patrick Cummings, Thoroughbred Idea Foundation.

LRC Staff: Tom Hewlett, Jennifer Hays, Grant Minix, and Chase O'Dell

Approval of Minutes

A motion was made by Representative Koch, seconded by Representative Dixon, to approve the minutes from the October 4, 2021 meeting. The motion carried by voice vote.

Breakage

Patrick Cummings, Thoroughbred Idea Foundation, discussed breakage.

Mr. Cummings testified that horse racing's ecosystem in America requires both bettors and the revenue created by bettor participation. Bettors often feel unrecognized by legislative decisions regarding horse racing. Customer protections have not evolved.

Racing wagering totals have remained steady in recent years, but are much lower than highs from the early 2000s. Adjusted for inflation, total wagering on U.S. thoroughbred racing is down nearly 50 percent since 2003.

The Thoroughbred Idea Foundation recommends modernizing the way in which pari-mutuel winning dividends are calculated. Specifically, the foundation recommends adjusting breakage from the nearest dime to the nearest penny. Breakage is the difference between what winning racing bettors should be paid on winning bets and what they are paid. Breakage is the rounding down of the return from winning pari-mutuel racing wagers. Kentucky statute requires that all pari-mutuel winnings be rounded down to the nearest ten cent unit. The breaks to the nearest lowest

ten cent unit are retained by the bet-taker.

Kentucky tracks held more than \$310,000 in breakage from winning dividends paid on-track in fiscal year 2021. If the on-track breakage rate were extrapolated across all betting on races in Kentucky, the total dollars in breakage held by bet-takers would be estimated to total more than \$9.3 million. Over the last five fiscal years, more than \$2.5 million has been retained by race tracks in Kentucky. This money is split between tracks and horsemen through agreements. The estimated off-track breakage retained in the last five years totals almost \$33 million. An estimated 93 percent of all breakage on Kentucky racing from the last five fiscal years was retained by bet-takers.

The Thoroughbred Idea Foundation suggests amending the statutes which apply to breakage, shifting breaks from every ten cents to every penny. Most professional betting syndicates are rebated breakage.

In response to a question from Representative Gentry, Mr. Cummings testified that practices such as higher rates for on-track bets have been used to reward bets placed at tracks. The state of New York is the only state to address the topic of breakage and change its policies.

Representative Koenig stated that bettors need to be taken care of. He continued to say that addressing breakage is a good way to benefit bettors, tracks, and the state.

Importance of the Kentucky Thoroughbred Development Fund to Kentucky Racing

Rick Hiles, President, Kentucky Horsemen's Benevolent and Protective Association, discussed the importance of the Kentucky Thoroughbred Development Fund (KTDF) to Kentucky racing.

Mr. Hiles testified that the KTDF was established in 1978 to incentivize Kentucky-bred thoroughbreds to stay and race in Kentucky.

The Kentucky Horseman's Benevolent and Protective Association wants to change statute regarding KTDF to allow claiming horses to be eligible for KTDF funds. This will help owners as they will be running for more purse money. These changes will also help the state.

Representative Koch stated that purses for claiming horses should be increased, but that Kentucky should also ensure quality controls are in place for the races. Mr. Hiles stated that smaller tracks would benefit more from the change. The change would also have to go before the KTDF advisory board.

Senator Thayer voiced his support for the proposed change allowing KTDF funds to be used for Kentucky-bred horses which run in claiming races. He said that care must be taken to ensure that purse money is commensurate with the value of the horses running. Senator Thayer stated that if the statute is changed, it should be left broad so that the KTDF advisory board can make recommendations and set the rules through the racing commission. In response to a question from Senator Thayer, Mr. Hiles testified that he supported

the legislature changing statute to allow KTDF money to be used for Kentucky-breds that run in claiming and starter allowance races. The details of the changes should be left to the KTDF advisory board to decide, and the Kentucky Racing Commission would have final approval. Senator Thayer added that Kentucky's program is one-of-a-kind. Every other state has races restricted to horses bred in the state.

Representative Gentry stated that the legislature needs to give the KTDF advisory board the right to set the rates for the claiming races and expressed his support for the concept.

In response to a question from Senator McDaniel, Senator Thayer stated that the Kentucky Sire Stakes will potentially be expanded.

Problem Gambling

Mike Stone, Executive Director, Kentucky Council on Problem Gambling and John Arnett, member of the board, Kentucky Council on Problem Gambling, discussed problem gambling.

The Kentucky Council on Problem Gambling is not against gambling. Its mission is to increase awareness of problem gambling, promote prevention and research, and advocate for the availability of treatment. Excessive gambling is a public health issue which can be best addressed through a state-operated program of evidence-based approaches to prevention, mitigation, and counseling. The council is not advocating to receive funding for itself. Rather, the council is advocating for services for the problem gambler and their family.

The council urges the General Assembly to authorize a publicly funded program for problem-gambling education, prevention, and treatment in Kentucky, and to establish a recurring funding mechanism from legal gambling revenues. Most Kentucky adults gamble. Gambling expansion has made it easier to gamble.

A gambling problem is evident when someone continues to gamble in spite of recurring negative consequences resulting from, or linked to, the gambling activity. A survey conducted by the University of Kentucky Survey Research Center showed 9,000 addicted gamblers and 51,000 problem gamblers in Kentucky, as well as 190,000 at risk of developing a gambling problem. Society pays for the criminal justice and government social services in place to address problems stemming from gambling. Studies indicate that each addicted gambler costs society between \$1,200 to as much as \$19,000 each year.

Problem gambling could cost Kentucky as little as ten million dollars annually, or as much as \$313 million each year. The 40 states and territories with publically funded problem gambling services spend an average of 23 cents per person. In Kentucky, that would extrapolate to slightly more than one million dollars. The Kentucky Council on Problem Gambling developed a five-year plan implementing problem gambling services. The implementation would cost \$1.4 million in the first year and \$3.7 million in year 5.

The state receives around \$300 million annually from legislatively sanctioned gambling. Even dedicating five percent of those revenues would fund a credible problem gambling program.

Mr. Arnett spoke to his experience with his gambling addiction. He continued to express his support for the creation of a problem gambling program funded by legal gambling.

In response to a question from Representative Gentry, Mr. Stone spoke to the additional societal costs that stem from problem gambling. The spouse and family of an addicted gambler may suffer from abuse that needs to be treated. Loss of productivity, unemployment insurance, and bankruptcy costs can all stem from problem gambling. Criminal justice costs can also result from problem gambling. Addicted gamblers have a higher rate of suicide than any other addictive disorder. Mr. Stone continued to say that all of the horseracing tracks in Kentucky are members of the Kentucky Council on Problem Gaming and utilize awareness materials. Mr. Stone spoke to the history of the council's founding.

Mr. Arnett spoke to the inadequate number of certified problem gambling counselors and treatment options in Kentucky.

Review of Draft Report of the Task Force and Recommendations

A motion was made by Senator Thayer, seconded by Senator Harper Angel, to approve the draft report of the task force. The motion carried by voice vote.

With no further business before the committee, the meeting was adjourned.

COMMISSION ON RACE & ACCESS TO OPPORTUNITY

Minutes of the 4th Meeting

of the 2021 Interim

October 20, 2021

Call to Order and Roll Call

The 4th meeting of the Commission on Race & Access to Opportunity was held on Wednesday, October 20, 2021, at 3:00 PM, in Room 149 of the Capitol Annex. Representative Samara Heavrin, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator David P. Givens, Co-Chair; Representative Samara Heavrin, Co-Chair; Senators Karen Berg and Gerald A. Neal; Representatives Nima Kulkarni and Killian Timoney; Jamir Davis, OJ Oleka, and Erwin Roberts.

Guests: Ashli Watts, President and CEO, Kentucky Chamber of Commerce; Ray Daniels, President and CEO, Equity Solutions Group, LLC; Brigitte Blom, CEO, and Chaka Cummings, Manager, Equity & K12 Policy, the Prichard Committee.

LRC Staff: Alisha Miller and Elishea Schweickart.

Report from the Task Force on Racial Inequality

Ashli Watts, President & CEO of the Kentucky Chamber of Commerce, and Ray Daniels, President

& CEO of Equity Solutions Group, presented before the commission. In 2020, the Kentucky Chamber of Commerce established the Racial Inequality Task Force. The task force was made up of nine members of the community and focused on education, criminal justice, and economic empowerment. In January 2021, the task force released their report *Achieving Equity to Build a Stronger Kentucky*. The task force used data gathered from across Kentucky to create the report and policy suggestions.

Mr. Daniels testified that in the focus on education, there were achievement gaps between white and black students. These gaps exist across grade levels and subject matter. In 2019, just over 31.1 percent of black students scored proficient on elementary school reading tests while 59.3 percent of white students scored at that level. These achievement gaps also exist when it comes to advance placement courses, gifted programs, high school graduation rates, and transition readiness. Mr. Daniels shared educational policy suggestions, which included:

- Collecting better data and sharing it with policy makers and the community often;
- Improved awareness of racial achievement gaps and gaps in opportunity;
- Adding diversity in the teaching workforce;
- Increasing efforts to get underrepresented students in advanced coursework, such as advanced placement courses;
- Expanding dual credit through increased outreach; and
- More financial assistance to families who need it.

The task force also found that school disciplinary measures disproportionately impact black students as well, which harms achievement and performance. Improved policies are needed to reduce racial bias and avoid removing students from the classroom. Policy suggestions from the report include:

- Regularly disseminating information to the public and policymakers about disparities in disciplinary measures at the school, district and state level, tracking year-to-year changes;
- Determining through research and/or the work of a specifically created task force the factors that contribute to the disparities;
- Adopting alternative approaches to disciplinary measures that remove students from the classroom;
- Incorporating a screening process for implicit bias into the recruitment of school resource officers; and
- Developing detailed reforms and implicit bias training requirements for school resource officers.

Mr. Daniels stated that he believed that parents need to be better informed on the education system as well.

Postsecondary attainment rates for different racial groups in Kentucky were also found to be unequal. Black and Hispanic student population groups were found to be below 30 percent on postsecondary

education attainment. This causes many students in Kentucky to be severely disadvantaged, because many high earning jobs require education beyond a high school diploma. Policy suggestions to help postsecondary attainment rates from the report include:

- Collecting and tracking data;
- Making FASFA a requirement for high school graduation; and
- Better tracking employment outcomes to raise awareness of the benefits of postsecondary education.

Ms. Watts discussed criminal justice reform when it comes to racial disparities. The criminal justice system has historically had a disproportionately negative impact on Black Kentuckians. Black Kentuckians have often made up more than 20 percent of the Kentucky prison population, despite only representing about 8.5 percent of Kentucky's overall population. Findings in the report also showed a disproportionately negative impact when it comes to arrests, types of arrests, juvenile justice, and other areas of criminal justice. Ms. Watts thanked the General Assembly for the work they have done over the last several years on criminal justice reform, and suggested that the General Assembly require racial impact statements for legislation that effect the criminal justice system. Additional policy suggestions include reforming Kentucky's bail system, reclassifying minor drug possession charges as misdemeanors, and expanding access to expungement. The Kentucky Chamber of Commerce also supports former inmates using KEES money.

Economic development in Kentucky is also impacted by racial inequities. Over the last several years the unemployment rate for White Kentuckians has stayed about the same, while it has fluctuated for black Kentuckians. Policy suggestions to help economic development include:

- Create a state Black Entrepreneurship Council to guide initiatives in support of the development and growth of Black-owned businesses and the success of Black entrepreneurs, including the creation of a public-private program to provide startup grants;
- Direct Government agencies and postsecondary institutions by regulation or statute, to regularly collect and publish data on the race of public contract holders; and
- Direct the state Finance Cabinet to produce an annual report on the implementation of the small or small minority owned business set aside program to recommend administrative and/or legislative solutions to improve effectiveness.

The Kentucky Chamber foundation is starting a new diversity, equity, and inclusion center to advance racial equity in Kentucky's business community. They have also endorsed the Equality of Opportunity Initiative launched by the U.S. Chamber of Commerce, which includes business focused action items.

Responding to a question from Commissioner Oleka, Ms. Watts stated that it all starts with education. If someone does not have a good experience in their education, and they are disproportionately disciplined, it affects them for the rest of their life. Mr. Daniels added that it is important to find each child's skill set, and for educators to get creative with teaching models.

Responding to a question from Representative Kulkarni, Ms. Watts stated that creating databases for minority contractors would help improve state contracts and access to capital. Mr. Daniels added that Lexington has over three hundred minority owned companies, so while databases are important, access to opportunities is also important.

Responding to a question from Senator Berg, Ms. Watts stated that the Kentucky Chamber of Commerce has not studied gun violence pertaining to minors, but they would be happy to talk with her more about her concerns.

Responding to a question from Co-Chair Givens, Ms. Watts stated that one of the first things that can be done to give all children equal access to education is by attracting and hiring more black educators. Children connect better when they are represented, which leads to them being more successful. Commissioner Oleka added that teachers who are unfair toward minority students also need to be held accountable. Responding to a follow-up question from Co-Chair Givens, Mr. Daniels stated that superintendents need to be given the power and ability to create and move principals around as needed and create curriculum as needed. Ms. Watts added that collecting data is so important. She also stated that they believe charter schools would also help minority students because of the different services that are more easily accessible.

Racial Equity in Education: A PC Primary Goal

Brigitte Blom, CEO, and Chaka Cummings, Manager of Equity & K12 Policy, from the Prichard Committee presented before the commission. Since 2008, the Prichard Committee has been measuring Kentucky's educational progress compared to other states. They have chosen 12 key indicators for measuring Kentucky's educational progress. These indicators include:

- Babies with healthy birth weight;
- Children above 200 percent poverty;
- Preschool participation (ages 3-4);
- Fourth grade reading proficiency;
- Eighth grade math proficiency;
- High school graduation;
- Postsecondary Enrollment;
- Graduation from 2-year institutions;
- Graduation from 4-year institutions;
- Associate degree or higher;
- Voter turnout; and
- Median household income.

Access to broadband internet has recently been added as an indicator because of the COVID-19 pandemic.

Since the 1980's, Kentucky has made some progress, though Ms. Blom stated more progress needs to be made to improve the lives of Kentuckians. Currently, Kentucky is ranked 6th from the bottom of the nation in poverty. Education is a big component in improving lives in Kentucky.

The Prichard Committee added equity rankings to each of their 12 key indicators in 2020. By adding these equity rankings, they can see if each indicator is the same or if interventions are needed. Ms. Blom provided an example that showed that in 2015 Kentucky was 8th in the nation for 4th grade reading, Kentucky is now ranked at 26th in the nation. Not only has the overall 4th grade reading rank dropped, but only 14 percent of Kentucky's black students are meeting the basic proficiency standard compared to 39 percent of Kentucky's white students.

Ms. Blom also provided areas that schools and communities need to focus on. These include:

- Bold leadership at the state and local levels;
- Accountability, including accepting data that is gathered;
- School climate and culture;
- Instruction in the classroom;
- Communities that work together; and
- Sustainability of effective practices.

In 2020, the Prichard Committee hosted a week long webinar titled *Black Minds Matter*. Blog posts were also shared before that webinar that provided information about failing Kentucky's black students. Reading scores have been stagnant for African American 4th graders, and in 2019 only 11 percent of African American 8th grades were proficient in math. In 2019, only 30 percent scored proficient or above in KPREP reading.

Many believe that family structure and kindergarten readiness are key components of future student success. Mr. Cummings stated data gathered from the Kentucky Department of Education shows that black students come into kindergarten only slightly less ready than their white peers, but by 3rd grade only black students experience a drop in 3rd grade reading proficiency. Other demographic groups see an improvement in 3rd grade literacy when compared to the kindergarten readiness statistics. The National Association of Educational Progress (NAEP) highlights data showing the gap in reading proficiency between white students and black students continues to widen as students' progress in their education. The gap grew from 19 points in 2002 to 25 points in 2019. Mr. Cummings also spoke about the gap in 8th grade math. Middle school math is the prerequisite for higher level high school math courses, which could set students up for better success in higher education. NAEP shows an 8th grade math gap growing from 20 points in 2002 to 21 points in 2019.

Transition readiness data gathered by the Prichard Committee supports the importance of student proficiency data. From 2019 to 2021 black students experienced a drop in college transition readiness in

math. Currently, Kentucky is ranked 3rd in the nation in high school graduation rates, which means students who are not ready are graduating anyway. Data shows that black students have experienced an eight percent drop when it comes to continuing to higher education. These inequities ultimately lead to an \$11,000 difference in median household incomes.

Ms. Blom presented several possible solutions to the commission, including:

- Availability to high-quality early childhood education, which reduces achievement gaps;
- Increasing the number of National Board Certified Teachers;
- Establishing a fund for teaching excellence to work toward closing the educational gaps;
- Increasing family engagement in their students learning;
- Supporting performance-based funding for higher education;
- Increasing FAFSA participation by district; and
- Increasing postsecondary opportunities.

The Prichard Committee has also released a statement cautioning the General Assembly against legislation that could actually harm equity in Kentucky schools.

Responding to a question from Co-Chair Heavrin, Ms. Blom stated that test score assessment over the last two years is not a value judgment on Kentucky educators, but an assessment of the impact of a global health pandemic on the educational system. Responding to a follow-up question from Co-Chair Heavrin, Ms. Blom stated that many students have been disproportionately impacted because of the pandemic, but there are also some good things happening as well. An example was increasing advanced placement courses among African American students.

Responding to a question from Commissioner Davis, Ms. Blom stated that the Prichard Committee does not have specific data when it comes to Career and Technical Education Programs.

Responding to a question from Commissioner Oleka, Mr. Cummings stated that based on the data they have, elementary school experiences for black students need to be further studied to fully understand why the educational gaps are happening. Responding to a follow-up question from Commissioner Oleka, Ms. Blom stated that performance-based funding is proving to be an accountability model for post-secondary education.

Responding to a comment from Representative Timoney, Mr. Cummings stated that a way to get educators of color in classrooms is to get leaders of color in schools.

Responding to a question from Co-Chair Givens, Ms. Blom stated that Jefferson County is home to 1/7th of the student population in Kentucky and is the most diverse area of Kentucky. To close achievement gaps in Kentucky, achievement gaps in Jefferson County must be closed, and strategies they have discussed could help do that.

Responding to a question from Senator Berg, Ms.

Blom stated that we need to be sure the high school diploma is meaningful and students are graduating from high school when they are actually ready.

With there being no further business, the meeting was adjourned at 5:04 PM.

COMMISSION ON RACE & ACCESS TO OPPORTUNITY

Minutes of the 5th Meeting of the 2021 Interim

November 23, 2021

Call to Order and Roll Call

The 5th meeting of the Commission on Race & Access to Opportunity was held on Tuesday, November 23, 2021, at 3:00 PM, in Room 149 of the Capitol Annex. Senator David P. Givens, Chair, called the meeting to order, and the secretary called the roll.

Present were:

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

Guests: Terry Brooks, Mahak Kalra, and Courtney Downs, Kentucky Youth Advocates.

LRC Staff: Alisha Miller and Elishea Schweickart

Making EVERY KY Kid Count!

Dr. Terry Brooks, Executive Director of Kentucky Youth Advocates, began the presentation by explaining that the Kids Count Program is nationally recognized as the standard for report cards. This year the program took an in-depth look at racial disparities in Kentucky, which are a result of historical institutional practices.

Dr. Brooks suggested three categories of policy that they hope the General Assembly will examine during the 2022 legislative session. These policy suggestions include:

- Collecting accurate and timely data, and including the collection requirement in statute;
- Focusing on economic well-being and considering a state level earned income tax credit or joining the Federal Relief Package Child Tax Credit, which could reduce child poverty in Kentucky by 49 percent; and
- Considering boundary-spanning policy that focuses on upcoming trends.

Many Kentucky families also struggle with access to quality healthcare, including families with children. Currently, 96 percent of children in Kentucky have health insurance through Kentucky Children's Health Insurance Program (KCHIP) and Medicaid. Even with KCHIP and Medicaid, healthcare disparities still exist, especially with Latinx children who stand at only 91 percent insured. Mahak Kalra, Chief Policy and Advocacy Officer, suggested ways to help insure more children in Latinx communities include expanding outreach and using culturally relevant messages. Ms. Kalra also suggested Kentucky promote culturally competent care and support of translation services.

Minority communities, along with rural communities, also need to have easy access to healthcare providers.

Cortney Downs, Policy and Advocacy Director, spoke about the juvenile justice system in Kentucky. While Kentucky has improved the system, there are still areas of racial disparities that can be improved. The estimated total youth population for black children ages 7 to 12 make up 11 percent of the population and 20 percent of the total complaints that are filed. The estimated total youth population for latinx children ages 7 to 12 make up 7 percent of the population and 5 percent of the complaints filed. The estimated total youth population for white children ages 7 to 12 make up 80 percent of the population and 67 percent of the complaints filed. About 60 percent of complaints that are filed come from law enforcement and about 27 percent come from school officials. The remaining complaints come from family members and/or alleged victims. About 70 percent of these complaints are for minor offenses, 21 percent are for status offenses, 49 percent are for Class A or B misdemeanors, and 22 percent are for Class D misdemeanors. Many of the children in this age range who are involved in the juvenile justice system are most likely enrolled in special education at their school, have experienced several life traumas or have diagnosed mental health challenges, and could have received early intervention. Establishing a minimum age of jurisdiction for children who are 12 years old or younger could help many children get age appropriate services and resources instead of entering the justice system. Ms. Downs also suggested implementing and expanding school-based interventions.

Responding to a question from Co-Chair Givens, Dr. Brooks stated that three decades ago, UPS commissioned the Annie E. Casey foundation to invent a report card for America's kids. Since then, every year the Casey foundation partners with an affiliate in each state to release the Kids Count report. The report covers health, economic wellbeing, education, and family/community. Currently Kentucky is ranked 37th. Kentucky Youth Advocates also take information from the national report and gather data and trends for every county in Kentucky.

Responding to a question from Co-Chair Heavrin, Ms. Kalra stated that outreach and creating a safety net for families who do not qualify for Medicaid are some of the best ways to close the gap in healthcare for children in Kentucky. Responding to a follow-up question from Co-Chair Heavrin, Dr. Brooks stated that the earned income tax credit has been supported by presidents from both political parties and would allow families to support themselves while also supporting local businesses. Mr. Brooks also suggested that Kentucky schools could consider financial literacy courses for student to prepare them for their futures.

Responding to a question from Mr. Oleka, Ms. Downs stated that there has not been an analysis done between complaints filed against children and their socioeconomic backgrounds, but better data collection could help with studies. Responding to a follow-up

question from Mr. Oleka, Dr. Brooks stated that their position on establishing a minimum age of jurisdiction is a compromise and came from NCSL and ALEC language. Senator Westerfield stated that each child needs to be assessed to figure the best course of action to take when they receive a complaint, because each child, and their levels of understanding, are different.

Responding to a question from Representative Kulkarni, Ms. Downs stated that the gaps in resources available to children are seen county by county in Kentucky. Even counties that have resources may not have them easily available. She also stated that she believes there is a need to do a deeper study into each county to figure out where the gaps are. Mr. Brooks stated that schools are also a big asset to getting resources and services to children who need them. Senator Westerfield stated that he has recently asked for a list of available resources from various state agencies and will share that information with commission members when he receives it. Responding to a follow-up question from Representative Kulkarni, Ms. Downs stated that they would look into the correlation between the housing situations of children and complaints filed against them.

Responding to a question from Mr. Roberts, Dr. Brooks stated that complaint issues can be seen in individual school districts. Responding to a follow-up question, Ms. Kalra stated that access to coverage and care is the first step to addressing gaps in healthcare.

Responding to a question from Co-Chair Givens, Dr. Brooks stated that he believes the School Safety and Resiliency Act has affected discipline in schools, but believes that changes the General Assembly could make will improve it.

Discussion and Wrap-up of the 2021 Interim

Co-Chair Givens spoke briefly about the work of the commission throughout the interim. He expressed his gratitude for those who have already come before the commission to present and informed the members that three groups have already requested to present next year. He also encouraged members to reach out to individuals and groups in their communities about presenting before the commission. Co-Chair Heavrin also reminded the commission, and those watching, that individuals do not have to be members of the commission to reach about possible presentations.

Mr. Oleka spoke briefly about the work of the commission, stating that the commission has done a good job at considering different views about challenging issues. He also stated that he believed the commission could provide better guidance to presenters and stated that he believes the commission can take a better look into policy related solutions. Mr. Oleka also stated that he hoped more members will attend in the future.

Senator Berg stated that she is grateful to have been assigned to the commission and it has been a great opportunity. She also stated that she hopes to see future discussion on the increased risks of juvenile gun violence. Co-Chair Givens asked her to let the

Chairs know if she has a presenter in mind to talk about that issue.

Co-Chair Heavrin stated that she hopes members will also take opportunities and experiences, and if they would like help connecting with groups or organizations, to let her know and she would be happy to help. Co-Chair Heavrin also stated she hopes the commission can get an inventory of policy and opportunities Kentucky may already have in place but are not being implemented.

Co-Chair Givens stated that he is grateful for the commission, and while it has been a good interim and he has been inspired by those who have come to present, he is looking forward to getting more done in the future.

Adjournment

With there being no further business, the meeting was adjourned at 4:34 P.M.

UNEMPLOYMENT INSURANCE REFORM TASK FORCE

Minutes of the 6th Meeting of the 2021 Interim

November 30, 2021

Call to Order and Roll Call

The 6th meeting of the Unemployment Insurance Reform Task Force was held on Tuesday, November 30, 2021, at 10:00 AM, in Room 131 of the Capitol Annex. Senator Michael J. Nemes, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Michael J. Nemes, Co-Chair; Representative Russell Webber, Co-Chair; Senators Ralph Alvarado, Mike Wilson, and David Yates; Representatives Josh Branscum, McKenzie Cantrell, Phillip Pratt, and Scott Sharp.

Guests: Jeff Wiggins, Secretary and Treasurer, Kentucky American Federation of Labor and Congress of Industrial Organizations; and Chad Conley, District 8 Rapid Response Coordinator, United Steelworkers.

LRC Staff: Janine Coy, Audrey Ernstberger, Kirk Smith, Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 28, 2021, meeting was made by Senator Wilson, seconded by Representative Pratt, and approved by voice vote.

Report of the Unemployment Insurance Reform Task Force

Senator Alvarado suggested consideration of the type of needed training for Legislative Research Commission staff to assist the Office of Unemployment Insurance be added to the "Recommendations" section of the Report of the Unemployment Insurance Reform Task Force memorandum.

In response to Representative Branscum, Senator Nemes stated that there are federal requirements for staffing of the Office of Unemployment Insurance.

Representative Cantrell noted the importance of staffing flexibility in the event of a surge in COVID-19 cases.

Janine Coy, Committee Staff Administrator for the Unemployment Insurance Reform Task Force, gave a summary of testimony presented to the Unemployment Insurance Reform Task Force.

Recommendations in the Report of the Unemployment Insurance Reform Task Force memorandum include:

Index the number of weeks benefits are payable to the state unemployment rate

Increase the number of job contacts a claimant must make in a week

Cap the amount of benefits that can be received if a worker's regular weekly benefit rate is temporarily increased or supplemented by federal, state, or local funds during a state of emergency

Change the charging method for employers to a "proportion to base-period wages" method
Reform the UI Tax system

Implement a comprehensive job referral program into the unemployment insurance system

Decrease from three years to one year, the period of time for an employer to qualify for an experience rating

Develop ways to improve workforce participation

Switch the emphasis of the system from unemployment to reemployment.

Strengthen internal policies of the Labor Cabinet to insure that employees of the Cabinet cannot access their own UI claim information

Improve transparency and access to information at the Labor Cabinet

Combat UI fraud by locking known fraudsters out of the system

Implementation of the recommendations made by the Auditor in his report

Increase funding of the UI system to implement reforms

Continue monitoring the production of a new UI system technology upgrade

Consider the reforms recommended in House Bill 317 from the 2019 Regular Session

Representative Cantrell commented that the Report of the Unemployment Insurance Reform Task Force memorandum needed more specific recommendations and lacked the employee perspective. She also made remarks about HB 317 from the 2019 Regular Session decreasing the number of eligible weeks for unemployment insurance benefits.

Senator Nemes said that both task force co-chairs were open to suggestions throughout the interim for speakers to testify before the task force.

Representative Webber stated that suggestions for recommendations of the task force and speakers to testify before the task force were welcomed from all members. He emphasized the imperativeness for

reform to the unemployment insurance system and said the current system could not handle another large influx of unemployment insurance claims.

Senator Yates expressed concerns about there not being specific recommendations for how to improve the unemployment insurance system. He suggested increasing wages, avoiding decreasing occupational safety and health protections, and other improvements that will increase workforce participation.

Senator Wilson pointed out that employer contributions supply the Unemployment Insurance Trust Fund. He added that, due to effects of the pandemic, the labor market will offset any issues with wages.

Representative Webber reminded the members that one of Representative Sharp's constituents testified before the task force regarding issues receiving unemployment insurance benefits.

Senator Nemes highlighted the need for workforce training across the state and cross training of employees of the Kentucky Career Centers.

Representative Pratt voiced concerns about the administration of the Office of Unemployment Insurance and the Kentucky Career Centers and expressed apprehension about the amount of time it will take to build a new unemployment insurance system.

A motion to add the consideration of the needed training for Legislative Research Commission staff to assist the Office of Unemployment Insurance be added to the "Recommendations" section of the Report of the Unemployment Insurance Reform Task Force memorandum was made by Senator Alvarado, seconded by Senator Wilson, and approved by voice vote.

Jeff Wiggins, Secretary and Treasurer for the Kentucky AFL-CIO, and Chad Conley, District 8 Rapid Response Coordinator for the United Steelworkers, testified about changes to the unemployment insurance system having potentially detrimental effects on Kentuckians in certain industry sectors.

Representative Webber clarified that HB 317 from the 2019 Regular Session included exemptions for seasonal workers.

A motion on the Report of the Unemployment Insurance Reform Task Force memorandum was made by Senator Wilson and seconded by Representative Webber. A roll call vote was taken with seven members voting yes and two members voting no.

There being no further business before the committee, the meeting adjourned.

SCHOOL FUNDING TASK FORCE

Minutes of the 6th Meeting of the 2021 Interim

November 8, 2021

Call to Order and Roll Call

The 6th meeting of the School Funding Task Force was held on Monday, November 8, 2021, at 10:00 AM,

in Room 149 of the Capitol Annex. Representative James Tipton, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative James Tipton, Co-Chair; Senators Reginald Thomas and Mike Wilson; Representatives Kim Banta, Tina Bojanowski, and DJ Johnson.

Guests: Mike Borchers, Superintendent, Ludlow, KY; Robbie Fletcher, Superintendent, Lawrence County; and Davonna Page, KSBA President, Russellville, KY.

LRC Staff: Joshua Collins, Cynthia Brown, and Christal White.

Nonresident Student Funding Report

Representative Tipton reported to the task force that Judge Shepherd is expected to issue a written clarification on the court ruling declaring the unconstitutionality of HB 563, specifically clarifying that the sections relating to nonresident students was not overturned.

Presenting for the Kentucky Department of Education (KDE) were Robin Kinney, Associate Commissioner; Chay Ritter, Director, Division of District Support; and Todd Allen, General Counsel.

Ms. Kinney submitted an explanation of the School District of Enrollment Funding Report. House Bills 563 and 405 of the 2021 Regular Session required KDE to submit a report of equitable transfer of funds to follow resident students to a nonresident districts and to provide recommendations for SEEK formula calculations and mechanisms.

Currently, districts receive state SEEK funding for nonresident students approved within nonresident contracts between districts, but local revenue is not included. This local effort is levied by local boards of education to support local school districts.

KDE said constitutional issues may arise transferring local revenue from resident to nonresident districts, either directly or indirectly. KDE provided four options regarding local funding for nonresident students. First, nonresident districts be included students in average daily attendance (ADA) and receive SEEK and eligible state and federal funds but would not receive any local funds or any amount to make up for local funds. Second, require resident districts to transfer local revenue funds directly to nonresident districts. Third, adjust SEEK payments so that nonresident districts receive additional SEEK funds for nonresident students while the resident district's SEEK payments are reduced by a corresponding amount. Lastly, the General Assembly provide a separate appropriation to nonresident districts to make up for the lack of local revenue. Ms. Kinney said options 2 through 4 may face legal challenges based on the Constitution and previous court cases.

Ms. Kinney said requiring district financial reports would be essential in calculating the amount of local revenue funds to be transferred from a resident or a

nonresident district, including any SEEK adjustments. The General Assembly would also need to determine whether SEEK calculations would be based on the previous or current year data. If a separate appropriation outside of SEEK through a flat per pupil extra amount is considered, KDE could provide the number of current students and adjust the amount for non-contract students. Another option would look at local revenue and calculate a per pupil amount based on historical information.

Responding to a question from Representative Tipton, Mr. Allen said several legal concerns could arise. Transferring SEEK funding from a resident to a nonresident district could raise constitutional questions as to whether the remaining funding for the resident district is sufficient for an adequate education of the remaining students. Also, taxes collected for general education by a local district may violate constitutional provisions if transferred to another district.

In response to a question from Representative Johnson, Ms. Kinney said for the first option the local revenue funds would remain in the resident district. However, SEEK funding, in addition to opportunities for state and local grant funding, would transfer to nonresident districts. Responding to a follow-up question, Ms. Kinney said option 1 would provide that local funding would not follow a student to a nonresident district. Following up on another question, Ms. Kinney said the receiving district can opt out of accepting nonresident students as outlined in HB 563. Each district, through their nonresident policy, can cap the number of students.

Responding to Representative Tipton's question to the superintendents, Mr. Fletcher said geographical and topographical differences could create the need for school closures, creating lengthy bus rides for students. Alternatively, some districts may need to build new schools. Mr. Borchers said although a student from a resident district transferring to a nonresident district receives SEEK funding, the delay of funding for a year creates budget difficulties. He said criteria is needed for open enrollment and financially responsible districts caps. Ms. Page strongly believes local funds need to stay in the district.

Approval of Minutes

On a motion by Senator Wise and a second by Representative Johnson, the minutes of the October 11th and October 18th meetings were approved by voice vote.

Recommendations

Representative Tipton read recommendations that the Co-Chairs proposed after consultation with the task force members:

The General Assembly permanently authorize the full funding of kindergarten in statute and ensure districts receive the appropriate equalization funding as a result of the change;

The General Assembly give consideration to

transitioning from using average daily attendance in the funding calculation to using average daily membership in a manner that minimizes extreme funding changes for school districts while also maintaining incentives for student attendance and accountability for school districts;

The General Assembly develop a plan to return to full state funding of district transportation;

The General Assembly develop a plan to achieve full funding of the School Safety and Resiliency Act of 2019;

The General Assembly provide funding to expand use of the state's Family Resource and Youth Services Centers that have proven to effectively provide wraparound services to students in Kentucky's schools;

The General Assembly, in consultation with the Legislative Research Commission, explore the development of a School District Impact Statement to inform legislators about a bill's potential cost to school districts;

The Education Assessment and Accountability Review Subcommittee include in its 2022 Office of Education Accountability Research Agenda a review of the most recent studies measuring the cost of an adequate public education in Kentucky and similar state with a focus on the methods used in those studies, the outcomes, and the cost associated with education specials student populations;

The Legislative Research Commission refer the report submitted by the Kentucky Department of Education pursuant to 2021 House Bill 405 to the Standing Senate and House Committees on Appropriation and Revenue for additional consideration during the 2022 Regular Session due to the late deadline for receiving the report; and

The Legislative Research Commission continue to study and review the issues of school funding and the updating of the school funding system through referral of the issue to an interim joint committee during the 2022 Interim.

Representative Bojanowski said she fully supports each initiative and elaborated on the recommendation relating to the task force's duty to provide an adequate public education and do research on the cost of providing an education where every child is given the opportunity to learn. She mentioned the funding for autistic children is inadequate.

Representative Johnson agreed he supports the task force recommendations and stressed the importance of creating an interim committee on school funding going forward.

Ms. Page said she was very pleased with the recommendations, particularly relating to fully funding of kindergarten, the return to fully funded district transportation, and providing funding to expand the use of the state's Family Resource Youth Services Centers.

Superintendent Fletcher said the recommendation regarding unfunded mandates is extremely crucial for districts. He mentioned documentation provided

to the task force members with teacher salaries and discussed the sizable discrepancies among quintiles in property rich and property poor districts. Mr. Fletcher also addressed the need for continued funding of the teacher retirement system and medical insurance for retirees. He also agreed with the recommendations presented by the Co-Chairs.

Representative Tipton said many of these recommendations relate to budget decisions. He mentioned another item being discussed for the budget is a 1 percent increase across the board for all state employees. He said investing in our most important assets, our employees, is vital.

Senator Wise said state salaries must be addressed in the upcoming session. He fully supports the task force recommendations and will submit it to House and Senate Leadership.

Senator Thomas praised the recommendations of the task force, in particular relating to the School District Impact Statement. He said it is important for the General Assembly to avoid passing legislation creating fiscal or financial burdens on school districts. He strongly agrees with the continuation of the SFTF in the 2022 interim. In response to a question from Senator Thomas regarding the movement of the SEEK formula from ADA to Average Daily Membership (ADM), Senator Wise said equity and accountability conversations from stakeholders are crucial moving forward and it is an opportunity to address the effect of COVID-19 on ADA. Representative Tipton said a serious and deliberate conversation must be had about a potential switch. He said there is a need to transition from ADA to ADM as the result of COVID-19, but confirmed that school attendance must not be de-emphasized. He said ADM will benefit districts with lower attendance which are the same districts that have a higher percentage of free and reduced lunch students. Senator Wise reminded the task force that the administrative work of focusing on absent students is time consuming and a distraction for teachers. Superintendent Fletcher agreed school districts with lower attendance would benefit with funding increases using the ADM model. He said laws regarding truancy should address attendance. Mr. Borchers assured Senator Thomas that each district will ensure student attendance.

Ms. Kinney expressed appreciation for allowing KDE, superintendents, and school board members to have a voice on the task force as they are the individuals assisting students and staff every day. She offered to provide any data requested and expressed a desire for continued participation.

Representative Tipton said the process is just beginning and the conversation as to how to advance education will continue going forward. He said the report will be submitted to the Legislative Research Commission and some of the recommendations will be addressed, developed, and implemented in the 2022 Regular Session.

There being no further business before the committee, the meeting was adjourned at 11:00 AM.

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT

Minutes of the 7th Meeting of the 2021 Interim

November 22, 2021

Call to Order and Roll Call

The seventh meeting of the Interim Joint Committee on State Government was held on Monday, November 22, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Robby Mills, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robby Mills, Co-Chair; Representatives Jerry T. Miller, Co-Chair, and Kevin D. Bratcher, Co-Chair; Senators Ralph Alvarado, Denise Harper Angel, Morgan McGarvey, Michael J. Nemes, Wil Schroder, Adrienne Southworth, Brandon J. Storm, Damon Thayer, and Phillip Wheeler; Representatives John Blanton, Adam Bowling, McKenzie Cantrell, Jennifer Decker, Jim DuPlessis, Joseph M. Fischer, Jim Gooch Jr., Derrick Graham, Richard Heath, Samara Heavrin, Mary Beth Imes, DJ Johnson, Matthew Koch, Scott Lewis, Savannah Maddox, Reginald Meeks, Patti Minter, Kimberly Poore Moser, Attica Scott, Tom Smith, Pamela Stevenson, Nancy Tate, James Tipton, Ken Upchurch, Russell Webber, and Buddy Wheatley.

Guests: John Hicks, Office of State Budget Director; Kerry Harvey, Justice and Public Safety Cabinet; Steven Evans, Bath County school district; Chelsey Couch, School Facilities Construction Commission; and Representative Norma Kirk-McCormick.

LRC Staff: Alisha Miller, Daniel Carter, Michael Callan, Shannon Tubbs, and Peggy Sciantarelli.

Approval of Minutes and Guest Recognition

The minutes of the October 19, 2021, meeting were approved without objection, upon motion by Representative Johnson. Representative Smith recognized Mr. Bob Mitchell, from Congressman Hal Rogers' office, in the audience.

Discussion of Proposed Coronavirus Capital Projects Fund

Senator Mills noted that Bath County schools were included in the 13 school districts targeted for ARPA (American Rescue Plan Act) funding through the appropriation in HB 556 (21RS).

Steven Evans, Bath County School Superintendent, stated that Bath County has a middle school that is over 100 years old, a beautiful building that is a centerpiece of downtown Owingsville and loved by the citizens. The building's condition is beyond normal upkeep, and a major renovation is necessary. There are problems with the air conditioning, flooring, mold in the basement, etc. When he took office, the district originally planned to build a new facility and renovate the old building for alternative use. However, the district lacks the bonding capacity to do so. When

the federal funds were allotted, Bath County received \$7.1 million. The school district needs more than \$12 million in renovations—including a high school renovation. Based on the \$7.1 federal funding that was directed to Bath County, the local planning committee changed the district service plan from a new build to renovation of the old middle school building. The district was advised that there would be a 60-90 day moratorium. Eventually, at a meeting attended by the district's facilities director, Dr. Nelson, and the Finance Director, Ms. Combs, it was announced that the funding was gone—the reason being that the funding was designed more for community buildings, not school buildings. When asked by Senator Mills, Mr. Evans said he was surprised when it was learned that the funds would no longer be available.

Representative Koch, whose district includes Bath County, stated that the building in question is a staple of the community and the needed renovation is also a health issue. In his opinion, the federal funds were intended for such use, and he thinks the administration needs to take a second look at funding needed by Bath County.

When asked by Representative Blanton, Mr. Evans stated that he did not know the exact amount but that the school district, when revising its building plan, probably spent several thousand dollars in anticipation of receiving the \$7.1 million. He clarified that most of the job was started before he became superintendent last July. Representative Blanton said the point he wants to make is that the district spent money out of pocket in expectation of the committed funding.

Responding to Senator Storm, Mr. Evans said that it was about two weeks ago that the district learned the funds would not be available.

Representative Tipton read for the record part of the November 19, 2021, letter from the Governor's Office relating to the ARPA funding issue: "The SFCC met on June 2, 2021, and voted to issue additional offers of support to thirteen school districts, implementing the appropriation made in House Bill 556. Recognizing that the final federal guidance had not yet been published, the offers of support were expressly conditioned on availability of the federal funds underlying the appropriation. The school districts were notified that there was no projection of when the federal funds might be received. Twelve of the school districts accepted the tentative offers of assistance. Representatives of my administration and the staff of the SFCC held a ZOOM conference with leadership of the subject school districts on July 26, 2021. The school districts received an update on the status of the federal funding supporting the House Bill 556 appropriation. They were advised that the final federal guidance had not yet been published. Absent the guidance, it was uncertain as to when, or if, the federal funding would be available. The school districts were advised that, given the uncertainty it might be unwise to make any preliminary expenditures related to the affected projects." When asked by Representative Tipton, Mr. Evans said he was not aware of the

possibility that the funding might not be available. Representative Tipton said he wished to clarify that the administration is giving a different version of accounting for the funding.

Discussion of the Impact of the Biden Administration's Federal Guidance Disqualifying Expenditures of the FY 2021-2022 Kentucky Budget

Guest speakers were John Hicks, State Budget Director, and Kerry Harvey, Secretary of the Justice and Public Safety Cabinet. Senator Mills asked Mr. Hicks to discuss the November 19, 2021, letter from Governor's Office's to President Stivers and Speaker Osborne in order to provide more clarity regarding use of the \$127 million ARPA Coronavirus Capital Projects Fund appropriation contained in 2021 Regular Session HB 556.

Mr. Hicks testified that in March 2021, the American Rescue Plan Act was passed. It included two new programs for the Coronavirus State Fiscal Recovery Fund and the Coronavirus Capital Projects Fund. The Governor and the General Assembly reviewed the legislative text together and agreed on a recommendation to appropriate \$127 million for urgent need schools through the School Facilities Construction Commission and \$58 million for projects in the next phase of the Capitol building renovation. Secretary Harvey was asked to lead the school construction projects and work with the School Facilities Construction Commission (SFCC) and the Department of Education.

In May 2021, the U.S. Department of Treasury issued a Statement on Purpose and Process relating to the Coronavirus Capital Projects Fund. The statement indicated that the Capital Projects Fund was targeted to increasing internet connectivity, rather than capital projects that enabled work, education, and health monitoring. The Governor personally spoke with Secretary of the Treasury, Janet Yellen and the White House lead on implementing ARPA, Gene Sperling, and strongly expressed his disagreement with the targeting of that statement, and explaining the rationale for Kentucky's proposed \$127 million for urgent need school projects. Mr. Hicks stated that he also had conversations with officials from the U.S. Department of Treasury. Official federal guidance on the use of the Coronavirus Capital Projects Fund was not received until September 10, 2021. The guidance did permit the use of the Fund for "multi-purpose Community Facility Projects" in addition to broadband infrastructure and digital connectivity projects.

Secretary Harvey stated that HB 556 mandated that offers of assistance were to be made to fund projects that were ranked the highest on the Kentucky Facilities Inventory and Classification report as of February 27, 2020. It was to provide gap funding in order for districts to actually build projects that were already on the drawing board, that were already prioritized as of February 27, 2020. The Commission's role was

important but was largely ministerial because HB 556 already identified the projects that would be funded. The Commission met on June 2 and voted to extend additional offers of assistance to 13 Kentucky school districts. Ultimately, 12 of those districts accepted. Those offers were expressly conditioned on actual availability of federal funds. As of June 2, there was still optimism that the money would be available and that the projects would proceed as envisioned by HB 556.

Mr. Harvey stated that after analysis of the final guidance issued by the U.S. Treasury Department, it was concluded that the 12 school projects would not likely meet the criteria for funding from this particular source of federal money. The guidance indicated that a project, in order to be eligible for funding, must meet all three of the following criteria—directly advance work, education, and health care monitoring. The guidance specifically notes that, unlike broadband projects, school projects are not presumed to be eligible. The guidance also requires that in order for projects to be eligible the project must address an issue or solve a problem that was brought about by the COVID pandemic, or was brought to light by the COVID pandemic. The 12 projects to be funded according to HB 556 were on the drawing board and on the state priority list prior to the COVID pandemic. Based on analysis of the guidance, the school districts were informed that the projects were unlikely to qualify for funding from that pot of federal money. The school districts were also informed that Governor Beshear fully supports the projects and that he intended to work with the General Assembly to identify additional sources of funding. Throughout the process it was communicated to the school districts that the offers of assistance were conditioned upon actual availability of the federal funding and that it would be unwise to begin spending money on those projects until the situation was clarified.

Mr. Hicks stated that the Governor's recommended solution to the problem is to switch the appropriation of the \$127 million to the SFCC for the 12 school projects from the Coronavirus Capital Projects Fund to the Coronavirus State Fiscal Recovery Fund. One eligible use of the State Fiscal Recovery Fund is for "revenue losses," with the funds being directed to eligible governmental services. Based on a preliminary calculation of revenue loss as of December 31, 2020, the Commonwealth will have approximately \$220 million that will be eligible to be used for the "provision of government services." One example of government services in the federal guidance is "pay-go" or cash funding of capital projects, which fits with the planned \$127 million for school construction projects. Alternatively, the use of the \$127 million for broadband deployment projects from the Coronavirus Capital Projects Fund also fits with that Fund's eligible uses. The Governor's recommendation is, basically, to subtract the \$127 million from the Coronavirus Capital Projects Fund and shift it to the Coronavirus State Fiscal Recovery Fund for school projects,

and do the reverse for the broadband projects. The same amount of money appropriated by the General Assembly would remain intact. Switching the two sources of funding will require action by the General Assembly. The Governor would encourage that this action take place in the early days of the 2022 regular session, and it would not impact other parts of the budget.

When Senator Mills questioned whether future response or legal action by Kentucky might be envisioned, Mr. Hicks said that although the Governor's administration disagreed with the approach taken by the federal guidance, they believe it to be final and do not expect any adjustments will be made to the guidance.

Responding to Representative Blanton and Representative Tipton, Mr. Harvey listed the school districts involved and said he believes it was the Hart County school district that did not accept the funding offer.

When asked by Representative Tipton, Mr. Hicks confirmed that the state has approximately \$1 billion of ARPA funds remaining to be appropriated.

Senator Wheeler stated that although the school projects may have already been planned, some of the problems they were facing bear directly with safety measures that might also have to do with COVID—such as clean air and being in a safe facility without exposure to the hazards of the virus. Mr. Hicks said there is no question that they may be related to public health, but they may not meet all the criteria mandated in the guidance. Mr. Harvey agreed that the projects are vitally important and should be completed.

Representative Wheeler asked whether construction of new facilities—for example, vocational schools with health care oriented events—might meet the federal guidelines. Mr. Harvey said the guidance is complicated, but he suspects it might be possible if the facility is designed to meet all the criteria in the federal guidance.

Senator Alvarado expressed his distrust with the administration and said that the legislature is getting mixed messages from the Governor regarding the availability of ARPA funds. To substantiate that, he quoted from a September Courier Journal news article written by Joe Sonka that includes statements attributed to the Governor relating to the use of ARPA funding.

Senator Mills asked whether there is confidence about the accuracy of the previously mentioned amount of revenue loss, since the state has had record revenue and record amounts going into the rainy day fund. Mr. Hicks said that the general perception of what has happened to state tax revenue is correct. However, he is confident about the stated revenue loss, given the way that the federal guidance allowed for the loss calculation.

Senator Southworth said that schools are a core component of providing services to communities, especially in rural areas. She spoke about the needs of small communities, the importance of internet

connectivity and health care services, and the need to advocate for rural communities at both the state and national levels.

Representative Kirk-McCormick stated that she is disappointed in what has taken place with regard to the ARPA funding and that it is critical that everyone involved do what they can to correct the situation. She also asked to be kept informed of future developments relating to the funding. Mr. Harvey said that the Governor and Director Hicks have formulated a plan that will result in completion of these very important projects, and he hopes that they move forward with alacrity.

Representative Miller stated that his and Representative Bratcher's legislative districts include two Chapter 75 fire districts that offer EMS services. In that role they provided standby EMS services for vaccine mega-sites, and they have had a lot of COVID-related costs that have impacted their revenue, yet they are not eligible for metro allocation of ARPA funds. These fire districts have submitted requests to the Beshear administration for ARPA funds to offset their lost revenue and added costs related to COVID. He asked whether the administration has reviewed the requests and if they will be included in the forthcoming budget request. Mr. Hicks said he is familiar with the requests and has had group discussions with those two fire districts regarding possible eligible use of the State Fiscal Recovery Fund for the cost the districts have endured as a result of COVID. Their request is important, and he does not want to diminish it, but there have been many requests in the last several months directed toward the remaining \$1 billion of ARPA funds. He said there will be a lot of decisions to be made, for very legitimate purposes. Representative Miller urged Mr. Hicks and the state budget office to look favorably upon the fire districts' request.

Senator Mills introduced Ms. Couch and stated that in her role as Executive Director of the School Facilities Construction Commission she had authored one of the letters that communicated information to school superintendents about the ARPA funding. Ms. Couch stated that the commission was in constant communication with the districts in an effort to keep them apprised of what was happening. Responding to Representative Tipton, she said that unmet needs for school facilities in the Commonwealth totals a little more than \$6 billion, according to a recently issued report.

Senator Mills thanked the speakers. He said that the legislature, as representatives of their communities, need to be kept informed. The point of today's meeting is that the General Assembly needs more communication, not less, in order to ensure that funds are being properly spent. It is the legislature's role to appropriate funds, and the members want to see them spent as intended.

Senator Mills noted that Representative Miller's prefiled bills, 22 RS BR 40 and 22 RS BR 341, that are listed on the agenda will be discussed later in the afternoon at the meeting of the Public Pension

Oversight Board. State Government Committee members are welcome to attend that discussion. There was no further business, and the meeting was adjourned at 2:14 p.m.

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

**Minutes of the 6th Meeting
of the 2021 Interim**
November 18, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Tourism, Small Business, and Information Technology was held on Thursday, November 18, 2021, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Kim King, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Wil Schroder, Co-Chair; Representatives Kim King, Co-Chair, and Phillip Pratt, Co-Chair; Senators Rick Girdler, Alice Forgy Kerr, Adrienne Southworth, Reginald Thomas, Phillip Wheeler, and David Yates; Representatives Shane Baker, Lynn Bechler, Tina Bojanowski, Josh Branscum, George Brown Jr., Josh Calloway, Jeffery Donohue, Ryan Dotson, Daniel Fister, Deanna Frazier, Chris Freeland, Chris Fugate, Jim Gooch Jr., David Hale, Richard Heath, Thomas Huff, Norma Kirk-McCormick, William Lawrence, Charles Miller, Ruth Ann Palumbo, Josie Raymond, Brandon Reed, Rachel Roberts, Steve Sheldon, Cherlynn Stevenson, Ashley Tackett Laferty, Nancy Tate, Bill Wesley, and Richard White.

Guests: Representative Chris Fugate; Scott Smith, Executive Director, First Frontier Appalachian Trails; Tim Whitehead, Trail Development Coordinator, First Frontier Appalachian Trails; Jerry Stacy, Board Member, First Frontier Appalachian Trails; Bill Owen, President, Central Bank Center; Brian Sipe, General Manager, Central Bank Center; and Marci Krueger, Vice President of Sales, VisitLEX.

LRC Staff: Janine Coy, Audrey Ernstberger, Kirk Smith, and Sasche Allen.

Approval of Minutes

A motion to approve the minutes of the October 21, 2021, meeting was made by Representative Freeland, seconded by Representative Hale, and approved by voice vote.

First Frontier Appalachian Trails

The Kentucky Mountain Regional Recreation Authority was authorized in 2017 and approved for a \$1 million two year budget by the General Assembly in 2019 for FY2020 and FY2021. The Authority is in the process of hiring additional staff, fully mapping the trail system, and establishing agreements with private

land owners. Once established, the trail systems, which will include the First Frontier Appalachian Trails, have the potential to support other businesses such as recreational vehicle parks, cabin rental facilities, and other adventure tourism attractions that would have a major economic impact on the eastern region of the state. The system is being patterned after the Hatfield-McCoy Trail System in West Virginia that sold \$3.9 million in permits in 2020 which amounted to a total economic impact of \$38 million.

Answering a question from Representative King, Tim Whitehead, Trail Development Coordinator for First Frontier Appalachian Trails, stated that the trail systems are currently being mapped and a website or mobile application will be available in the future that will include trail maps and coordinates. In response to a follow up question, Representative Fugate said 40 percent of visitors to the Hatfield-McCoy Trail Systems stay four days or more in the area and 35 percent of visitors spend \$200 to \$500 during their stay.

Representative Pratt expressed gratitude to those involved with developing the trail systems.

Responding to Senator Yates, Representative Fugate explained that many counties have future plans for opening recreational vehicle parks, cabin rental facilities, and other associated businesses.

Addressing a question from Representative Dotson, Representative Fugate stated there will be an agreement established with every land owner along the trail systems. When the Authority was established in 2017, land owners were given sovereign immunity, protecting them from being held liable for injuries that may occur while individuals are utilizing the trails.

Replying to Representative Hale, Representative Fugate explained the structure of the Authority's board consists of representatives from nine participating counties, a representative from the Department of Local Government, a representative from the Department of Fish and Wildlife Resources, and two nonvoting members of the General Assembly. The county representatives are on rotating terms. Addressing a follow up question, Representative Fugate said the Authority will partner with the Department of Fish and Wildlife Resources and local law enforcement agencies to patrol the trail system.

Representative Baker commented on the potential economic impact of the trail systems on the eastern part of the state.

Answering a question from Representative Bechler, Representative Fugate stated the amount that will be requested for the Authority's two year budget during the upcoming legislative session is \$1.5 million. All participating counties associated with the Authority have been asked to donate \$5,000 each year. The Hatfield-McCoy Trail System has three funding mechanisms in place which include funding from the West Virginia Legislature, revenue from permits sold, and grant funding. Replying to a follow up question, Representative Fugate said the Hatfield-McCoy Trail

System permits are \$50 per person per year for out-of-state visitors and \$26.50 per person per year for in-state visitors. The Authority plans to have similar permit costs. Answering a follow up, Representative Fugate explained that land owners are not being compensated for the use of their land. Replying to a follow up question, Representative Fugate stated the estimated number of visitors and duration of stay were gathered from the Hatfield-McCoy Trail System.

Responding to Representative Bojanowski, Representative Fugate stated the Authority will be paying the cost of the liability insurance for the trail system. Local emergency medical service and fire department personnel will respond to any emergency incidents that may occur on the trail with additional personnel being added in the future if necessary.

Representative Kirk-McCormick made comments regarding an all-terrain vehicle establishment in her district that offers rentals, tours, and lodging.

Addressing a question asked by Representative Fister, Representative Fugate explained that there will be a website or mobile application available in the future with trail system maps. Responding to a follow up, Representative Fugate said with the assistance of the Authority board representative from the Department of Fish and Wildlife Resources, the Authority will make plans to take precautionary measures during hunting seasons.

Replying to Senator Southworth, Scott Smith, Executive Director of First Frontier Appalachian Trails, stated the website or mobile application is in the development phase, but the Authority is presently using an existing mapping platform.

Lexington Center Expansion and Continued Recovery of Convention Business in the Commonwealth

The Central Bank Center in Lexington has entered into a facility management agreement with Oak View Group which provides property, consulting, and client services. The Oak View Group has partnerships with 29 other arenas across the country. Phase one of the ongoing expansion project of the Central Bank Center is complete with phase two expected to be completed March 2022. Despite the ongoing expansion project, the facility lost numerous event bookings and was forced to decrease staff as a result of the pandemic. Overall, VisitLEX, the Lexington tourism marketing organization, cancelled 270 meetings and conventions due to COVID-19, representing over 100,000 room nights that never materialized. The overall economic impact loss to Lexington from meetings and convention attendees is over \$42 million. The statewide tourism industry is collectively requesting \$75 million in American Rescue Plan Act funds which will help the recovery of the meeting and convention business across the state.

Answering a question from Representative Roberts, Marci Krueger, Vice President of Sales for VisitLEX, stated some of the funds that are being requested

would be used for marketing the Commonwealth outside of the state and attending meeting planning trade shows.

Senator Thomas commended Bill Owen, President of Central Bank Center, for all of his work over the years.

Representative Palumbo thanked Mr. Owen for his dedication over the years to the Central Bank Center and the city of Lexington.

Responding to a question from Representative Dotson, Ms. Krueger stated the statewide tourism industry is collectively requesting \$75 million in American Rescue Plan Act funds that will be allocated to the Department of Tourism for marketing the Commonwealth, local tourism marketing organizations for marketing, and local tourism marketing organizations for marketing meetings and conventions.

Addressing Representative Hale, Mr. Owen said the Kentucky High School Athletic Association basketball state tournaments are typically scheduled for one to two year terms.

Answering a question from Representative Pratt, Brian Sipe, General Manager of Central Bank Center, explained that the Oak View Group will share services with its industry partners and venues in other cities and utilize University of Kentucky staff in an effort to combat issues with low workforce participation.

Replying to Representative Brown, Mr. Owen stated the total expansion project cost of the Central Bank Center is \$310 million.

There being no further business before the committee, the meeting adjourned at 2:23 p.m.

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 6th Meeting of the 2021 Interim

November 15, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Transportation was held on Monday, November 15, 2021, at 1:00 PM, in Room 154 of the Capitol Annex. Senator Jimmy Higdon, Chair, called the meeting to order, and the secretary called the roll. The minutes from the October 5, 2021 meeting were approved.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Ken Upchurch, Co-Chair; Senators Karen Berg, C.B. Embry Jr., Paul Hornback, Brandon J. Storm, Johnnie Turner, Phillip Wheeler, Mike Wilson, and David Yates; Representatives Tina Bojanowski, Josh Branscum, Kevin D. Bratcher, Randy Bridges, Jonathan Dixon, Ken Fleming, David Hale, Samara Heavrin, Regina Huff, Thomas Huff, Savannah Maddox, Bobby McCool, Shawn McPherson, Charles Miller, Sal Santoro, Tom Smith, Cherlynn Stevenson, Ashley Tackett Laferty, Walker Thomas, Susan Westrom, and Buddy Wheatley.

Guests: Representative James Tipton, State Representative, District 53; Steve Blackistone, State and Local Liaison, National Transportation Safety Board; Jennifer Smith, CEO & Co-Founder; Stopdistractions.org; Kathy Strack; Senator Ralph Alvarado, State Senator, District 28; Jennifer Steger, Victim Advocate; Jennifer Kirchner, Executive Director, Kentuckians for Better Transportation (KBT); and Andrew McNeil; Visiting Fellow, Bluegrass Institute for Public Policy Solutions

LRC Staff: John Snyder, Brandon White, Dana Fugazzi, and Christina Williams

Boating Safety/ Bill Request (BR) 351

Senator Ralph Alvarado, State Senator, District 28, and sponsor of BR 351, and Jennifer Steger, victim advocate, spoke to the committee on the measure, which would require boating safety training for all adult boaters in the Commonwealth. The bill recognizes safety certifications from other states or the Coast Guard, allows for out-of-state boaters to get temporary certification, and exempts persons who have owned boats for five or more years. Ms. Steger shared her personal story of a loved one, who was killed in the summer of 2021 when his jet ski collided with a boat on Cave Run Lake. Mr. Joseph Reed was a 43 year old loving father who had 30 years of boating experience. The other party that was involved in the accident was not an experienced boater. This accident prompted Ms. Steger to come before the committee, to advocate for a law change in boater safety, as it is legal to purchase, launch, and control a boat in the water at age 18, with no experience, training, or certification.

Boating activity across the United States rose significantly during the COVID- 19 Pandemic. Fatality rates rose 25 percent in recreational vessels in 2020, compared to 2019, and accidents rose by 26 percent. Seventy-seven percent of recreational boating fatalities occurred on vessels where the operator did not receive boating safety instruction. Current Kentucky law requires a safe boating certification only for children ages 12 to 17 years old. A chart was provided that showcased the age of the water vessel operator and the deaths and injuries that occurred while boating. Ms. Steger also shared a chart of injuries and deaths based on operator experience level. The chart showed that injuries and deaths significantly decreased after approximately seven years of experience.

Kentucky would be the first landlocked state to require a boater education course for all boaters. There are currently seven states touching coastal waters that require all boaters to take an approved boater safety education course. States are also raising the age of mandatory boater education courses to eventually include all boaters for future generations. Fifteen states require adult boaters under a specific age to take a course, with the age being 39 in Ohio, 32 in Tennessee, and 35 in West Virginia.

In closing, Senator Alvarado, as well as Ms. Steger agreed that all Kentucky boaters operating a vessel should know the laws of the water regardless of age, experience level, or horsepower of vessel and encouraged the passage of BR 351.

Representative Hale expressed his condolences as Mr. Reed was a part of his community. He added he believed the provisions in Senator Alvarado's BR 351 are appropriate and needed. In response to a question asked by Representative Hale concerning exemptions, Senator Alvarado stated there is a series of exemptions in the bill, and one of the exemptions is having proof of motor boat or watercraft registration in the person's name for the previous five years. Representative Hale stated he has spoken to several fish and wildlife officers as well as the commissioner, and they are on board with the proposed legislation.

In response to question asked by Representative Fleming concerning a boater safety course he had previously taken, Ms. Steger stated that course is mandatory for ages 12 to 17, and voluntary for age 18 and over. She added the course takes approximately five hours to complete, and can be completed online or in person. There is a test that is administered at the end of the course and you must receive a score of 80 percent to pass.

In response to a question asked by Co-Chair Upchurch concerning visitors from other states such as Ohio, which does not have a boating safety course requirement, operating their watercraft in Kentucky. Senator Alvarado stated in the proposed bill that there is an exemption for a temporary license for such instances. At a cost of \$5 the person can take a 10 question exam, (of which they must answer eight of those questions correctly) to receive a temporary license to operate a watercraft in Kentucky for 14 days.

Representative Bridges expressed his concern on how tourism could be affected if the proposed legislation passed.

Senator Yates expressed his concern that there is no insurance requirement in Kentucky for operating a boat. He added that lack of requirement may be something that needs to be evaluated and added to the legislation as another level of accountability and protection for boaters.

Hands Free Driving/ BR 828

Representative James Tipton, State Representative, District 53, and sponsor of BR 828 explained his proposed hands-free legislation.

Ms. Kathy Strack shared her personal testimony concerning distracted driving. Her brother Mark Sevilla was killed in a distracted driving incident involving a semi- tractor trailer. She advocated for the passage of BR 828 in honor of her brother.

Steve Blackistone, State and Local Liaison, National Transportation Safety Board (NTSB) spoke in favor of the measure. The NTSB is an independent federal agency charged by Congress with investigating

every civil aviation accident in the United States and significant accidents in other modes of transportation, such as railroad, highway, marine, and pipeline. The NTSB determines the probable cause of each accident they investigate and make safety recommendations aimed at preventing future accidents and crashes. Their accident investigations have clearly shown that distraction is a growing and life-threatening problem in all modes of transportation. Bill Request 828 can be an important step towards changing the culture of driving while distracted by portable electronic devices.

More than 36,000 people were killed on our nation's highways in 2019, and the National Highway Traffic Safety Administration estimates that nine percent of those fatalities involved distracted drivers and were completely preventable. The accident investigations, safety studies, and research performed by NTSB paint a clear picture. Mr. Blackstone cited the March 26, 2010, crash on I-65 near Munfordville, Kentucky, in which a tractor-trailer went off the left side of the interstate, crossed the median, and collided with a 15-passenger van that was traveling in the opposite direction. Eleven people, including the truck driver, died. The investigation found that the truck driver had used his telephone to make and receive calls, or to send and receive text messages, a total of 69 times while driving in the 24-hour period prior to the accident, and it was determined that he failed to maintain control of his vehicle because he was distracted by using his cell phone at the time of the crash.

The NTSB called for a nationwide ban on the use of portable electronic devices by all drivers while driving. Changing drivers' behavior will undoubtedly require a cultural shift, and that shift will require a three-pronged approach including better laws, education, and enforcement. Public education continues to be important for reaching drivers, operators, and safety-critical personnel about the dangers of distractions, but education campaigns must be built on a foundation of strong laws and effective, visible enforcement. Past safety campaigns have shown that laws aimed at changing behavior are much more likely to have long-term success when combined with high-visibility enforcement and public information campaigns. For example, only 14 percent of vehicle occupants used seat belts before states started passing laws requiring them. After laws were enacted, belt use jumped to 59 percent in approximately 8 years. Today, with stronger seat belt laws, high-visibility enforcement, and education campaigns, daytime seat belt use is 90 percent.

Jennifer Smith, CEO & Co-Founder; Stopdistractions.org spoke in favor of BR 828. She stated Stopdistractions.org is a non-profit organization dedicated to eliminating the devastation that results when a loved one is killed or injured in a distracted driving crash. The organization brings together victims, victim survivors, foundations, and the general public to build awareness and recognition to distracted driving.

Ms. Smith stated that 24 states as well as Washington D.C., have hands-free laws, including Kentucky's surrounding states of Tennessee, West Virginia, Virginia, Illinois, and Indiana. She stated driver/cellphone interactions have increased 57 percent from 2014 to 2019. How drivers are using their cell phones is also changing, as people no longer just talk or text on their phone, they FaceTime, watch streaming services, stream live, play games, etc., all contributing to the usage increase.

The proposed hands-free bill will ban the use of hand-held cell phones while driving. A person can still use GPS, and make and take calls hands-free. The hands-free law gives law enforcement and the public a clear interpretation of the law, if the phone is in your hands, then are you in violation.

Data from states which have adopted hands-free laws were cited. Georgia passed a hands-free law in July 2018, and since then, traffic fatalities are down 3.4 percent from 2017 to 2018 (the largest decrease in ten years.) Phone use while driving dropped 22 percent in the first month. A 15 percent reduction in commercial motor vehicle fatalities has been realized since 2017. Tennessee also enacted a hands-free law in July, 2019. From July to December of 2018 compared to July to December of 2019, distracted driving crashes are down 3.84 percent. As of February 2020, overall fatalities in the state were down 9.6 percent, and crashes were down 4.1 percent. Overall, in twelve states, traffic fatalities have decreased 16 percent within two years of passing handheld device bans.

In conclusion, Representative Tipton stated the current laws are unenforceable, as expanded language is needed due to people not just texting and driving anymore. He added he is unaware of any organized or individual opposition, with overwhelming public support as shown by polling. He stated the law will work as the data supports a reduction in crashes, fatalities, insurance rates, and cell phone usage.

In response to a question asked by Chairman Higdon, Representative Tipton stated he has seen statistics on citations that have been issued since the passage of the no texting and driving law and over the 11 year period since the passage of that law, there has been a little over 10,000 citations issued.

In response to a question asked by Representative Bratcher, Representative Tipton stated his proposed legislation does not prevent someone from talking on their phone while driving, rather the person must not hold the device in their hand or on any part of their body while doing so. The use of Bluetooth, earpieces, and mounts are ways to utilize phones while remaining hands-free. He added if law enforcement sees a device in a driver's hand, they can issue a citation.

In response to a question asked by Representative Fleming concerning who bears responsibility for the education of Kentucky citizens on the new legislation if passed, Representative Tipton stated if the legislation is enacted, there will be a three month period where individuals would only receive a warning and not a

citation. He added he has been in touch with KYTC to encourage education of the public on this issue. There is no actual provision in the proposed legislation on who would be responsible for the education of the public on this new law.

Senator Turner stated he is not in favor of the proposed hands-free legislation in its current form.

Kentucky's Transportation Needs

Jennifer Kirchner, Executive Director, Kentuckians for Better Transportation (KBT) introduced herself as the new Executive Director of KBT, and gave an overview of Kentucky's transportation needs. Ms. Kirchner stated KBT was established in 1977, and is one of the oldest membership associations of its kind in the United States. The KBT members represent a broad and diverse network of professionals focused on improving transportation including airports, highways, public transit, rail, and waterways. Members include transportation professionals, local governments, economic development advocates and manufacturing and logistics companies.

The main goal of KBT is to achieve sustainable funding for all modes of transportation and policies that ensure mobility, promote economic growth, and improve quality of life. Sustainable funding is needed because KBT believes in a judicious use of resources or resource planning, which involves analyzing resources and funds in a region or budget and providing equitable distribution. Mobility recognizes integration and connectivity. This applies to a person commuting to work on Kentucky's roads and bridges, cargo from Kentucky's international airports or global shipping hubs, exports by rail or riverport, and rural Kentuckians using public transit to travel to appointments. Mobility and sustainability lead to a prosperous economy that functions efficiently and provides a favorable quality of life for Kentucky citizens.

Kentuckians for Better Transportation has five major objectives to achieve their stated goal: 1.) build support for revenue increases over the next two years; 2.) build resilient and modern transportation systems which includes wise investment; 3.) continue effective planning, and well-built safe communities; 4.) focus on the connection between transit and economic vitality; and lastly, 5.) focus on their internal operations for staff and board members.

As an example of KBT's melding of transit, leadership, and economic development, Ms. Kirchner pointed to the organization's annual mid-year event this June. Joby Aviation, a globally traded aerospace company, was invited to attend. Joby is developing electric vertical takeoff and landing aircraft that it intends to operate as an air taxi service by 2023. Ms. Kirchner stated KBT turned the invitation into a whirlwind tour of aviation assets and presentations about robust aviation education programs, and connected the dots to not only be a location for Joby to provide their services but a manufacturing site as well.

Ms. Kirchner added electric vertical take-off and landing (eVTOLs) and aviation are not the only transit sector that has witnessed the electrification of transportation. Just recently, Ford was welcomed to Glendale-Hardin County with a historic investment in a battery manufacturing plant. The switch to electric is desirable, affordable, and the next step in the modernization of transportation. It is imperative that Kentucky embraces this technology, makes plans to utilize federal funds, and captures the opportunities afforded. Kentucky is a state that is advantageously located within the United States and in order to maximize Kentucky's growth in the logistic industry, we must engage in this movement. Ms. Kirchner added that Kentucky must explore and modernize current revenue streams such as electrical vehicle fees, additional charging station locations, and a move to a true user system of measuring vehicles miles traveled or road user charges.

Ms. Kirchner stated KBT strives to be an unbiased, nonpartisan voice that provides facts and data to educate and advocate for transportation issues statewide. It is KBT's intention to be the credible, collaborative, informative, and inclusive resource to be utilized as legislators to help ask questions and find the right answers to promote all modes of transportation in the Commonwealth.

In response to a question asked by Representative Wheatley concerning the utilization of the newly passed federal infrastructure bill funding, and specifically the \$10 billion in transportation infrastructure funds coming to Kentucky, Ms. Kirchner stated while the funding is very needed and welcome, it will only chip away at a small portion of the things that need to be accomplished. She stated good maintenance and repair will be able to be accomplished because of the funding, but Kentucky still needs to capture the advancement and modernization that is required. She further stated that an issue that is being realized is that a lot of the federal funds will require a match. Some states are able to match more than the required percentage, putting Kentucky at a disadvantage on a competitive level.

Representative Wheatley stated anything KBT can do to help move along the Brent Spence Bridge project would be welcomed.

Senator Wheeler stated there are some privacy concerns on tracking vehicle miles traveled. Ms. Kirchner stated cell phone usage tracks more information than what she has seen with the technology being used to track vehicle miles traveled. She added in some states the tracking is nothing more than car registration information and an odometer reading. She added she has not seen anything that would result in privacy issues.

Kentucky Transportation Cabinet (KYTC)

Contracting

Andrew McNeill, Visiting Fellow, Bluegrass Institute for Public Policy Solutions, spoke to the committee concerning single-bid contracts. It is Mr.

McNeill's perspective that a lack of competition on the bidding of road contracts for Kentucky's construction projects within KYTC requires examination and reform. Mr. McNeill stated that since the beginning of 2021, 151 single-bid contracts have been awarded in 62 counties, to 18 different companies that have exceeded the KYTC engineers estimate. Single-bid contracts are overwhelmingly awarded for asphalt paving or asphalt resurfacing. The total value of these awarded contracts were \$173.8 million.

Mr. McNeill cited a scholarly journal article entitled "Single Bidders and Tacit Collusion in Highway Procurement Auctions" David Barrus and Frank Scott (2015) which examined the bidding history of four construction companies in four central Kentucky counties from 2005 to 2007. The study cited evidence that the four companies restricted their bids to particular counties even when projects in other counties were closer to their plants. A chart was provided for the same four counties cited in the Barrus and Scott article that showed the total contracts awarded, competitive bids awarded, single-bids awarded, and to whom the single-bids were awarded in 2019 to 2021.

Mr. McNeill gave a recommendation that the General Assembly direct the Auditor of Public Accounts to audit KYTC's bidding practices. He stated competition maximizes the value of every dollar dedicated to road construction and maintenance. He stated that KYTC must do more to create competitive bidder markets, and that the cabinet would benefit from an outside examination of their bidding practices, prompting reforms to enhance competition.

In response to a question asked by Chairman Higdon, Mr. McNeill stated he has not done calculations on contracts that were underbid.

Representative Smith asked if the lack of competition was because of startup costs of construction companies. He added what he does not want to see, is encouragement from other states to bid against Kentucky companies.

Representative Heavrin asked for Mr. McNeill to present to the committee accurate data that would include single-bid projects. She stated it was her opinion that he has only presented his narrative and it's important to have all of the data, including over-bid and under-bid projects. In response to a question asked by Representative Heavrin, Mr. McNeill stated he has had conversations with KYTC and highway contractors about the bidding process.

Co-chair Upchurch provided an example of a bridge project where the engineer estimates were not high enough and the contractors spoke with the engineers which resulted in the contractors being correct in their estimate. Therefore, posing the question of how many contracts have been examined, as the state engineer might not always be correct. He added that there may be some reasons as to why these bids came in over the estimates.

Co-chair Upchurch echoed Representative Heavrin's comments. He added there may be several

variables that need to be taken into consideration for the differences of pricing on projects.

In response to a question asked by Senator Yates, Mr. McNeill stated from information that would be gathered from an audit, there is likely a better process or better ways to approach bids that would draw multiple bidders as opposed to single bidders.

In response to a question asked by Representative Westrom, Mr. McNeill is unsure if any parent companies have bid against themselves due to owning several different conglomerates.

Representative Hale requested data that was newer than the presented data from 2005 to 2007. He also added that several companies have the same parent companies and should not be expected to compete against themselves, reiterating Representative Westrom's point. Mr. McNeill stated an audit would show valid reasons for why these single-bid contracts existed.

Representative Hale stated in August of 2021, there were two single-bid projects that were let in Kentucky, that lead to \$2.5 million in savings. He added he believed Mr. McNeill brought some skewed information before the committee while referencing the \$7.8 million in overspending due to single-bid projects, also while not looking into savings that have occurred in the single-bid process.

Representative Santoro stated KYTC is extremely transparent and the cabinet employs outstanding contractors. He added that there will be several single-bid contracts due to the nature of the job.

Correspondence

Written correspondence was provided to committee members on KYTC driver license issuance (including an updated issuance map), as well as updated information on KSP driver testing, and driver testing regional sites. Also provided was a LRC staff update on the status of billboard regulations (603 KAR 10:040E.)

Administrative Regulations

Administrative Regulations 605 KAR 001:030, 605 KAR 001:035, and 605 KAR 001:215 were discussed. Representative Huff questioned the doubling of fees from the automobile dealers. Carlos Cassady, Director of the Kentucky Motor Vehicle Commission stated the costs of operating and sustaining the Kentucky Motor Vehicle Commission was evaluated and the cost increase was necessary. No objections were raised on the regulations, and the regulations were not found to be neither deficient nor deferred.

With no further business to come before the committee, Chairman Higdon adjourned the meeting at 3:08 P.M.

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

Minutes of the 6th Meeting

of the 2021 Interim

November 23, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Tuesday, November 23, 2021, at 10:00 AM, in Room 154 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 Walker Thomas, Co-Chair; Senators Jimmy Higdon, Alice Forgy Kerr, Stephen Meredith, Robby Mills, Dennis Parrett, Wil Schroder, Brandon Smith, Whitney Westerfield, Mike Wilson, and David Yates; Representatives John Blanton, Kevin D. Bratcher, Myron Dossett, Jim DuPlessis, Chris Freeland, Chris Fugate, Al Gentry, Jim Gooch Jr., Mark Hart, Matthew Koch, Scott Lewis, Savannah Maddox, Bobby McCool, Patti Minter, Scott Sharp, Pamela Stevenson, Ashley Tackett Laferty, Bill Wesley, and Buddy Wheatley.

Guests: Taurean J. Diaz-Coleman, Public Relations Officer, C&P Garage; Carlos Fernandez, President and CEO, C&P Garage; Patti Parrott, C&P Garage; Demetrio Arroyo, C&P Garage; Representative Nancy Tate, House District 27; Michael Burress, Executive Director, Lincoln Trail Area Development District (LTADD); Michael Robinson, Geographic Information Specialist, LTADD; Brigadier General (Ret.) Steven P. Bullard, Executive Director, Kentucky Commission on Military Affairs; Lieutenant Colonel (Ret.) Whitney Allen, Commissioner, Kentucky Department of Veterans Affairs (KDVA); Lynice Thorpe-Noel, Deputy Commissioner, KDVA; Alvin Duncan, Executive Director of Veterans Services, KDVA; Mark Bowman, Executive Director of Veterans Centers, KDVA; Donna Scrivener, Benefits Division Director, KDVA; Sidney Shouse, Chairman, Joint Executive Council of Veterans Organizations (JECVO); and Colonel (Ret.) Larry Arnett, Legislative Chairman, JECVO.

LRC Staff: Jessica Zeh and Logan Schaaf

Senator Meredith moved to approve the October 20, 2021, meeting minutes. Senator Wilson seconded the motion. The minutes were approved.

Co-Chair Thomas announced that there have been concerns from veterans' nursing homes about contract laborers, and that he will look into the issue more.

Veteran Community Outreach

Taurean J. Diaz-Coleman, Public Relations Officer for C&P Garage, provided an overview of the activities and responsibilities of the organization. Mr. Diaz-Coleman said C&P Garage provides free services

to veterans, including assistance with claims, health care, employment, military records, and education.

Responding to a question from Representative Sharp, Mr. Diaz-Coleman said that for the most part, COVID-19 did not affect the activities of C&P Garage, as they were able to continue their work through the pandemic. Carlos Fernandez, President and CEO of C&P Garage, said that the organization saw a significant increase in out-of-state requests for assistance during the pandemic.

Responding to a question from Co-Chair Thomas, Mr. Diaz-Coleman said the organization is based out of the Veterans of Foreign Wars (VFW) 10281 facility. Mr. Fernandez expressed interest in expanding C&P Garage beyond Kentucky.

Responding to a question from Senator Wilson, Mr. Fernandez said that C&P Garage could assist in locating the military records of Senator Wilson's grandfather, who served in World War I.

Fort Knox Compatible Use Plan

Michael Burress, Executive Director of the Lincoln Trail Area Development District and Michael Robinson, Geographic Information Specialist for the Lincoln Trail Area Development District, delivered a presentation on the Fort Knox Compatible Use Plan (CUP). Mr. Burress said that the plan is designed to address land use compatibility issues and noise and light concerns. The goal of the Compatible Use Plan is to provide an opportunity for informed and strategic community growth while maintaining Fort Knox's ability to carry out its mission. The CUP created a technical advisory committee and an executive committee to oversee the development of the plan.

Mr. Robinson highlighted research from the Department of Defense on the economic impact of defense spending in Kentucky. Brigadier General (Ret.) Steven P. Bullard, Executive Director of the Kentucky Commission on Military Affairs, said that this research showed how important the defense community is to Kentucky. General Bullard praised Fort Knox and Fort Campbell as two of the nation's premier defense installations.

Mr. Robinson said that the scope of the CUP has gone beyond the original Joint Land Use Study of 2008 to include growth trends, noise, light, energy, transportation, and possible restrictions to the mission of Fort Knox. Mr. Robinson noted that the growth of the population living within both one mile and five miles of Fort Knox has grown steadily since 1990. Over 100,000 people live within five miles of the installation.

Mr. Robinson provided examples of homes built "against the fence", close to the boundaries of Fort Knox. The most common complaints from residents in these areas are noise, dust, vibration, and overflights, and complaints also come from areas farther from the boundaries. One mitigation strategy is the use of real estate disclosures to allow potential property owners to understand what living close to a

military installation can entail. Representative Tate presented an example of a real estate disclosure form and said that she would prefer to see a "proximity to military installation" provision added to the form. Representative Tate and Mr. Burress indicated that this would be especially important in the near future, as Fort Knox will soon have a Digital Air-Ground Integration Range (DAGIR).

Responding to a question from Senator Wilson, Representative Tate said that the disclosure forms would likely need to be updated as Fort Knox expands, and to account for new activity, including the training exercises that will take place at night.

Co-Chair Thomas commented on the importance of practice ranges at military installations.

Responding to a question from Senator Higdon, Representative Tate said that the "proximity to military installation" provision would be included on real estate disclosure forms statewide, not only for houses near Fort Knox.

Responding to a question from Senator Meredith, Representative Tate said that she had spoken to real estate agents who supported the addition of a military installation provision.

Responding to a question from Representative Stevenson, Representative Tate said that it would be possible to contact the heads of real estate associations to inform them of the possible addition of a military installation provision on disclosure forms.

Responding to a question from Representative Gooch, Representative Tate said that the provision would apply only to the real estate disclosure form, not to the deed.

Responding to a question from Representative DuPlessis, Mr. Robinson and Mr. Burress said they were unsure whether the addition of a military installation provision on disclosure forms would create the possibility for lawsuits from residents who purchased or built their homes before the addition of the provision.

Kentucky Department of Veterans Affairs

Lieutenant Colonel (Ret.) Whitney Allen, Commissioner of the Kentucky Department of Veterans Affairs (KDVA), delivered a presentation on the activities of KDVA. LTC Allen said that the KDVA was asked to assist with unemployment insurance (UI) claims, and they transferred 15 employees to the Office of Unemployment Insurance, where they remained between one and seven and a half months. Claims with KDVA fell at the beginning of the pandemic as the organization switched to virtual operation, but are now returning to their pre-pandemic levels. LTC Allen praised the professionalism of his team.

LTC Allen said that before the pandemic, in-person travel to multiple outstations was common. Now there is a mix of both in-person and virtual meetings. Overall, LTC Allen said COVID-19 slowed the operations of KDVA, but did not stop them. He expressed support for the decision to assist the Personnel Cabinet.

Senator Higdon praised the work of LTC Allen and the KDVA.

Responding to questions from Representative Blanton, LTC Allen said that there are no plans to close the Paul E. Patton nursing home facility in Hazard. Representative Blanton said that the next veterans' nursing home is to be built in Magoffin County.

LTC Allen requested that committee members send thank you letters to veterans' centers.

Representative Sharp praised the KDVA. Responding to a question from Representative Sharp, LTC Allen said that KDVA employees were likely chosen to assist with UI claims because of their relevant experience and professionalism.

Representative Wesley thanked LTC Allen for his work.

Joint Executive Council of Veterans Organizations

Sidney Shouse, Chairman of the Joint Executive Council on Veterans Organizations (JECVO), and Colonel (Ret.) Larry Arnett, Legislative Chairman of JECVO, spoke to the committee. Col. Arnett thanked the members of the committee for their support of Kentucky's veterans. Col. Arnett said that JECVO's first priority for the upcoming legislative session is strong funding for the KDVA. Their second priority is exempting property owned by Veterans Service Organizations (VSOs) from state and local property taxes. During the pandemic, Col. Arnett said that VSO posts came close to closing, and that exempting them from property taxes would help them continue their operations, as they would put that money back into their communities. JECVO's third priority is to exempt military retiree pensions from state taxes. Col. Arnett also asked that the legislators consider inviting Eric Koleda, Founder and Director of Hyperbaric Oxygen Treatment for Kentucky Veterans, and Eunice Ray, wife of Colonel Ron Ray, to speak to both chambers to learn more about the benefits of hyperbaric oxygen treatment. Col. Arnett then asked that the legislature pass a resolution for Kentucky's U.S. Congressional Delegation, asking them to encourage the U.S. Department of Veterans Affairs to add the Louisville and Lexington veteran medical centers to their pilot project on hyperbaric oxygen treatment.

Representative Koch emphasized his support for the VSO property tax exemption and requested that committee members list it among their priorities for the upcoming budget.

Responding to a comment from Representative Blanton, Col. Arnett said that northeastern Kentucky should be the next location for a veterans' nursing home.

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

CAPITAL PROJECTS AND BOND OVERSIGHT COMMITTEE

Minutes

November 18, 2021

Call to Order and Roll Call

The Capital Projects and Bond Oversight Committee was held on Thursday, November 18, 2021, at 2:00 PM, in Room 169 of the Capitol Annex. Representative Chris Freeland, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Rick Girdler, Co-Chair; Representative Chris Freeland, Co-Chair; Senator Robin L. Webb; Representatives Reginald Meeks, Jason Petrie, and Walker Thomas.

Guests: Elizabeth Baker, Senior Director, Strategic Capital Planning and Legislative Analysis, University Budget Office, University of Kentucky; Janice Tomes, Deputy State Budget Director, Office of State Budget Director; Scott Aubrey, Director, Division of Real Properties, Department for Facilities and Support Services; Sandy Williams, Executive Director, Kentucky Infrastructure Authority; and Ryan Barrow, Executive Director, Office of Financial Management.

LRC Staff: Katherine Halloran, Committee Staff Administrator; Korey Sallee, Committee Analyst; and Ashton Thompson, Committee Assistant.

Approval of Minutes

Representative Thomas moved to approve the October 21, 2021, minutes, seconded by Representative Freeland, and approved without objection.

Information Items

Ms. Halloran referenced four information items: pursuant to KRS 45.760(5), Northern Kentucky University reported a \$367,000 federal funds purchase of scientific equipment for its chemistry program and the University of Kentucky reported two federal funds purchases of research equipment, \$440,000 (utilizing some cash) for a scanner at its Sports Medicine Institute and \$3.5 million from a \$14 million NSF grant to equip the cultural heritage and historical imaging site at its Museum of Anthropology; pursuant to KRS 45.812(1), three school districts, none of which needed an additional tax levy to pay debt service, reported upcoming debt issues for new projects; pursuant to KRS 45.180(2), the University of Kentucky reported its intent to use the construction management-at-risk project delivery method for its Parking Structure 8 expansion and the University of Louisville reported the consolidation of two authorizations and its intent to use the design-build project delivery method for its Cardinal Stadium Club upgrades; and pursuant to KRS 56.813(2)(a)3.b. and KRS 56.823(11)(a), the Division of Real Properties reported leasehold improvements under \$10,000 and square footage lease modifications under \$50,000.

Lease Report from the University of Kentucky

Ms. Baker submitted a lease modification for UK Healthcare Specialty Pharmacy; an additional 4,200 square feet and associated improvements for a \$122,388 additional annual cost to \$1.189 million. The modification is for the expansion of patient support services.

Representative Thomas moved to approve the UK lease modification, seconded by Representative Freeland, and approved by unanimous roll call vote.

Project Report from the Finance and Administration Cabinet

Ms. Tomes submitted a \$270,000, 15 percent, appropriation increase to \$2.07 million for the Transportation Cabinet, Construct Hopkins County Maintenance Facility and Salt Storage project. The increase is due to higher than budgeted construction costs and, as required by KRS 45.760(6)(e), will be paid out of the KRS 45.247 highway construction contingency account.

Representative Thomas moved to approve the appropriation increase, seconded by Representative Freeland, and approved by unanimous roll call vote.

Ms. Tomes reported an amended \$2.2 million emergency repair, maintenance, or replacement project appropriation for the Department of Parks, Fort Boonesborough park wide reconstruction project. The project was originally reported in July for \$1.3 million and amended to \$1.8 million in September for site building restoration and reconstruction after the park wide flood earlier this year. The amendments were due to increased equipment and material costs, damaged infrastructure, and expanded site recovery efforts.

Lease Report from the Finance and Administration Cabinet

Representative Freeland obtained unanimous consent to roll the ten transactions; eight lease renewals, new lease, and lease modification into one vote.

Mr. Aubrey submitted eight lease renewals under the same terms and conditions: Department of Workforce Investment, Fayette County, 11,513 square feet at \$16.50 per square foot for a \$189,964.52 annual cost through June 30, 2024; Commonwealth Office of Technology, Franklin County, 6,109 and 9,096 square feet at \$8.07 and \$6 per square foot for a \$101,146.84 annual cost through June 30, 2027; Cabinet for Health and Family Services, Office for Children with Special Health Care Needs, Jefferson County, 25,932 square feet at \$11.75 per square foot for \$304,701 annual cost through June 30, 2029; CHFS, Department for Community Based Services, Hardin County, 36,416 and 500 square feet at \$9.25 and \$3 per square foot for a \$338,348 annual cost through June 30, 2030; CHFS, DCBS, Letcher County, 19,285 square feet at \$9.26 per square foot for a \$175,579.12 through June 30, 2023; CHFS, DCBS, Montgomery County,

11,544 square feet at \$13.50 per square foot for a \$155,844 annual cost of \$155,844 through June 30, 2024; Justice and Public Safety Cabinet, Department of Corrections, Jefferson County, 10,764 square feet at \$12.75 per square foot for a \$137,241 annual cost through June 30, 2023; and Justice and Public Safety Cabinet, Department of Public Advocacy, Fayette County, 18,009 square feet at \$14.50 for a \$261,130.52 annual cost through June 30, 2023.

Mr. Aubrey submitted a new lease for DOC in Jefferson County, procured through KRS 56.803 advertisement: 9,587 square feet at \$18.64 per square foot for a \$178,701.68 annual cost through June 30, 2029.

Mr. Aubrey submitted a lease modification for DOC in Campbell County, amortized improvements through June 30, 2026 to convert conference and storage areas into eight staff offices, allowing the consolidation of the two Division of Probation and Parole District 7 offices. Two estimates were obtained, \$53,200 from the lessor and \$54,800 from Commercial Roofing Services. The DRP accepted the lessor's lower bid.

Representative Thomas moved to approve the leases, seconded by Representative Petrie, and approved by unanimous roll call vote.

Report from the Office of Financial Management

Previous Debt Issues

Mr. Barrow reported three previous debt issues. The first was a KHC conduit debt issue, applied towards the state's private activity volume cap and affecting neither the commonwealth's nor KHC's financials as the developer pays the debt service; Kentucky Housing Corporation Conduit Multifamily Housing Revenue Bonds (Lone Oak Meadows Project), Series 2021; 312 units in Louisville, \$40 million net proceeds with an over \$67 million project cost. The second was the \$5.025 million Northern Kentucky General Receipts Refunding Bonds, 2021 Series B debt issue. NKU was a strong credit and market conditions remained favorable; therefore, the transaction generated around \$650,000 (12.27 percent) in net present value savings. The final was the \$99.475 million Turnpike Authority of Kentucky Economic Development Road Revenue Refunding Bonds (Revitalization Projects), 2021 Series A and 2021 Series B (Federally Taxable). This transaction, until the Kentucky Public Transportation Infrastructure Authority deal that OFM will report in December, generated record net present value savings. The Series A and Series B generated \$5.5 million (30.807 percent) and \$13.5 million (17.326 percent) in net present value savings for an aggregate \$19 million (over nineteen percent) net present value savings. There also was a third series with savings, 2022 Series A, that OFM did not report as it was a forward delivery that will not close until next year.

School District Debt Issues with School Facilities Construction Commission Debt Service Participation Representative Thomas moved to roll the thirteen

SFCC debt issues into one roll call vote, seconded by Representative Freeland, and approved without objection.

In response to a question from Representative Petrie, staff said they would follow-up on improvements to any facilities on the Kentucky Facility Inventory and Classification System List [with at least one exception, the financed improvements are a portion of the necessary improvements to remove any facilities submitted this month from the KFICS list].

Mr. Barrow submitted thirteen debt issues with SFCC debt service participation: eleven new projects and two to refinance debt. For the new projects, the school districts did not need an additional tax levy for debt service. The Bell County, Butler County, Crittenden County, Edmonson County, Letcher County, Lincoln County, Marion County, Nicholas County, Pulaski County, Simpson County, and Trigg County school districts proposed debt issues totaling approximately 27.7 million with 11.3 million SFCC debt service participation, a 60/40 percent local/SFCC split. The Fayette County and Whitley County school district planned two refunding issuances totaling around 28.7 million, with \$3.2 million SFCC participation, an 89/11 percent local/SFCC split.

Representative Thomas moved to approve the thirteen SFCC debt issues, seconded by Representative Freeland, and approved by unanimous roll call vote.

Kentucky Infrastructure Authority

Representative Freeland congratulated Ms. Williams on being named Executive Director of the Kentucky Infrastructure Authority. Ms. Williams thanked Representative Freeland and introduced the new Deputy Executive Director, Milward Dedman. Senator Web commented that she previously had the honor to serve with Mr. Dedman and that he is very capable and KIA is lucky to have him.

Ms. Williams submitted a \$750,000 Kentucky Infrastructure Authority Clean Water State Revolving Fund (Fund A) Program loan increase for the City of Paducah, McCracken County to fund additional costs associated with stabilizing a levy for the \$8.069 million Paducah Pump Station #2 Rehabilitation project. The total loan amount will be \$5,360,667 with a .5 percent interest rate over a twenty year loan term.

Representative Thomas moved to approve the KIA loan, seconded by Representative Freeland, and approved by unanimous roll call vote.

Representative Freeland announced the upcoming meeting at 2:00 P.M. on December 15. With there being no further business the meeting adjourned at 2:30 P.M.

HOME & COMMUNITY BASED SERVICES WAIVER REDESIGN TASK FORCE

Minutes of the 6th Meeting of the 2021 Interim

December 15, 2021

Call to Order and Roll Call

The 6th meeting of the 1915c Home & Community Based Services Waiver Redesign Task Force was held on Wednesday, December 15, 2021, at 3:30 PM, in Room 131 of the Capitol Annex. Senator Julie Raque Adams, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Julie Raque Adams, Co-Chair; Representative Steve Riley, Co-Chair; Senators Danny Carroll, Stephen Meredith, and Dennis Parrett; Representatives Daniel Elliott and Norma Kirk-McCormick.

LRC Staff: Chris Joffrion and Hillary Abbott.

Approval of Minutes

A motion to approve the minutes from the October 18, 2021, meeting was made by Representative Riley, seconded by Senator Meredith and approved by a voice vote.

Discussion and Approval of the Task Force Findings and Recommendations

Senator Julie Raque Adams, Co-Chair, thanked all the members of the 1915c Home & Community Based Services Waiver Redesign Task Force for their dedication and their time. Senator Raque Adams explained the process for approving the task force's findings and recommendations memorandum.

Representative Riley made a motion to approve finding number one as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Senator Meredith made a motion to approve finding number two as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve finding number three as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Senator Meredith made a motion to approve finding number four as written. The motion was seconded by Representative Riley and passed by a voice vote.

Senator Meredith made a motion to approve finding number five as written. The motion was seconded by Representative Kirk-McCormick and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve finding number six as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve recommendation number one as written. The

motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve recommendation number two as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Representative Riley made a motion to approve recommendation number three as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve recommendation number four as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Senator Meredith made a motion to approve recommendation number five as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve recommendation number six as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve recommendation number seven as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Senator Meredith made a motion to approve recommendation number eight as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve recommendation number nine as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve recommendation number ten as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Senator Meredith made a motion to approve recommendation number eleven as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve recommendation number twelve as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Representative Riley made a motion to approve recommendation number thirteen as written. The motion was seconded by Senator Meredith and passed by a voice vote.

Representative Kirk-McCormick made a motion to approve recommendation number fourteen as written. The motion was seconded by Representative Riley and passed by a voice vote.

Senator Meredith made a motion to approve recommendation number fifteen as written. The motion was seconded by Representative Riley and passed by a voice vote.

Representative Riley made a motion to approve the findings and recommendation memorandum in

its entirety. The motion was seconded by Senator Meredith. After a roll call vote of 7 yes votes, 0 no votes, the findings and recommendations memorandum passed out favorably.

Adjournment

There being no further business, the meeting was adjourned at 3:45 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the November Meeting

November 9, 2021

Call to Order and Roll Call

The November meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, November 9, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Representative David Hale, Chair, called the meeting to order, and the secretary called the roll.

Present were:

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

Guests: Cassie Trueblood, Education Professional Standards Board; Michael Adams and Jenni Scutchfield, Secretary of State; Denise Durbin, Bobby Stokes, Heather Wagers, and Catherine York, Office of the Attorney General; Bethany Adkins Rice, Richard Bertelson, Jessica Johnston, and Jennifer Stosberg, Department of Revenue; Eden Davis, Board of Pharmacy; Dr. Keith Knapp, Kenneth Urlage, and Kevin Winstead, Board of Licensure for Long-Term Care Administrators; Jeffrey Allen, Board of Dentistry; Brian Clark, Steve Fields, and Rich Storm, Department of Fish and Wildlife Resources; Amy Barker, Jennifer Bogard, and Kirstie Willard, Department of Corrections; Todd Allen and Matt Ross, Board of Education; Jeremy Rodgers and John K. Wood, Kentucky Fire Commission; Honor Barker and Scotty McFarlan, Education and Workforce Development Cabinet; Sam Flynn, Dale Hamblin, and Robert Walker, Department of Workers' Claims; Ed O'Daniel, Self; Sharon Clark, Abigail Gall, Shaun Orme, and Chad Thompson, Department of Insurance; Max Fuller, Mike Haney, David Moore, Rick Rand, and Benjamin Siegel, Department of Housing, Buildings and Construction; Kim Minter and Donna Veno, Office of Health Data and Analytics; Laura Begin and Dr. Sarah Vanover, Department for Community Based Services; and John Page and Wesley Phelps, Department for Income Support/Disability Determination.

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

The Administrative Regulation Review

Subcommittee met on Tuesday, November 9, 2021, and submits this report:

The subcommittee determined that the following administrative regulation was deficient pursuant to KRS 13A.030(2)(a):

LABOR CABINET: Department of Workers' Claims

803 KAR 25:190. Utilization review – Medical Bill Audit – Medical Director – Appeal of Utilization Review Decisions. Sam Flynn, general counsel; Dale Hamblin, assistant general counsel; and Robert Walker, commissioner, represented the department. Ed O'Daniel, American Property Casualty Insurance Association, appeared in opposition to this administrative regulation

In response to a question by Co-Chair Hale, Mr. Walker stated that this administrative regulation substituted a medical director for the former utilization review reconsideration process, which would streamline and expedite getting medical treatment to injured workers.

In response to a question by Co-Chair West, Mr. O'Daniel stated that this administrative regulation should be found deficient by this subcommittee because it conflicted with the authorizing statute. This administrative regulation required a \$200 fee to appeal, while KRS 342.035(5) required payments to come from a special fund. KRS 342.035(8) directed a pharmaceutical formulary and medical necessity guidelines; however, this administrative regulation might violate medical necessity guidelines. KRS 342.035(5)(c) did not authorize a medical director and authorized a different process. This administrative regulation authorized fines, including payment of costs and attorney's fees, for which there was no statutory authority. The existing utilization review process had worked well, while this process would add costs.

In response to a question by Co-Chair Hale, Mr. Walker stated that the fund established by KRS 342.023(5) was for the utilization process itself, not for appeal. Mr. Flynn stated that KRS 342.260 authorized speedy delivery of treatment for injured workers, and KRS 342.035 did not prohibit a medical director.

In response to a question by Co-Chair West, Mr. Walker stated that this administrative regulation had not been further amended after discussions with leadership.

Senator Alvarado stated that the medical director represented a medical panel of one (1) person. Past arguments for medical panels resulted in constitutional concerns. There did not seem to be statutory authority for a medical director, and establishing statutory authority would require a constitutional referendum.

Senator Yates stated that previous constitutional concerns did not seem to apply to this situation because complainants had access to the court systems.

This administrative regulation seemed to propose a system that would benefit employers and injured workers.

In response to questions by Co-Chair West, Mr. Walker stated that this was not a major change to this administrative regulation's framework. This change would substitute a medical director for the existing reconsideration process and would represent a financial benefit for employers and employees. The fee for an appeal was \$200, which was a savings of approximately \$800 to \$1,300. This was not adding layers of bureaucracy. The fiscal impact of this administrative regulation was estimated to be \$400,000. Co-Chair West stated that some had estimated the fiscal impact to be \$1,000,000, and this seemed like a major change. This administrative regulation seemed to be an attempt to change a statutorily established process. Legislators expected more changes to this administrative regulation and expected the department to wait until session before consideration by this subcommittee. There seemed to be statutory conflicts.

In response to a question by Co-Chair Hale, Mr. Hamblin stated that the proposed agency amendment added specificity to medical director qualifications, along with other changes after meeting with stakeholders.

In response to a question by Co-Chair West, Mr. Flynn stated that the department believed this was a good administrative regulation, which would expedite treatment for injured workers. This would reduce costs and did not create more bureaucracy. The department preferred not to further defer this administrative regulation.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1, 3, 5 through 7, 10 through 14, and 16 through 17 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 13 to change the following criteria that would subject related medical services to a utilization review: (a) total cumulative medical costs are increased from costs that exceed \$1,000 to costs that exceed \$3,000; and (b) total cumulative lost work days are increased from 15 days to 30 days; (3) to amend Section 16 to: (a) establish a four (4) year term for the medical director and authorize the medical director to serve more than one (1) term; (b) establish requirements for filling a vacant medical director position; (c) establish provisions for removal of the medical director; and (d) authorize the medical director to seek assistance from physicians with appropriate certification or specialty, if the treatment is outside of the medical director's certification or specialty; (4) to amend Section 17 to: (a) return the appeal period for utilization review decisions to 30 days, instead of 45 days; (b) reduce the appeal fee from \$400 to \$200; (c) increase the amount of time to pay the appeal fee from 15 to 21 calendar days; (d) require the medical director to conduct the appeal in keeping with the

treatment guidelines and pharmaceutical formulary created or adopted by the commissioner; (e) require the medical director to consider the opinion of the medical provider whose treatment, recommended treatment, or prescribed medication is being denied; and (f) increase the amount of time to file the "Medical Dispute" form from 14 to 30 calendar days; and (5) to amend Sections 16 and 17 to make clarifications and comply with the format-ting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Co-Chair West made a motion, seconded by Senator Alvarado, to find this administrative regulation deficient. A roll call vote was conducted and, with six (6) votes to find this administrative regulation deficient and two (2) votes against deficiency, this administrative regulation was found deficient.

Senator Alvarado explained his yes vote. While he didn't necessarily disagree with the policy, he stated that these were the same arguments that had been found unconstitutional by the Kentucky Supreme Court.

Representative Marzian explained her no vote. This was an administrative regulation that would provide faster access to care for injured workers.

Compiler's Note: Pursuant to KRS 13A.335(3)(a), a new Section 19 was added to this administrative regulation to reflect the finding of deficiency.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Education Professional Standards Board: Administrative Certificates

16 KAR 6:010. Assessment prerequisites for teacher certification. Cassie Trueblood, counsel, represented the board.

SECRETARY OF STATE: Address Confidentiality Program

30 KAR 6:011E. Kentucky address confidentiality program. Michael Adams, Secretary of State, and Jennifer Scutchfield, assistant Secretary of State, represented the office.

In response to a question by Co-Chair Hale, Secretary Adams stated that the Address Confidentiality Program protected victims of specific crimes, such as domestic violence, or as granted by court order. This administrative regulation was being amended to revise appeal procedures for consistency with the authorizing statute.

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse. This administrative regulation was deferred from the November 9 subcommittee meeting. Please see the "deferred or removed" portion of this report near the end of these minutes.

Kentucky Victim and Witness Protection Program

40 KAR 6:010. Kentucky Victim and Witness Protection Program. Denise Durbin, executive director; Bobby Stokes, executive director; Heather Wagers, executive director; and Catherine York, deputy executive director, represented the department.

In response to a question by Co-Chair Hale, Ms. Durbin stated that these administrative regulations were assigned to the department for administrative purposes.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, 4, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

40 KAR 6:020. Funding assistance from the child victims' trust fund.

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

40 KAR 6:030. Human Trafficking Victims Fund.

In response to questions by Co-Chair West, Ms. Durbin stated that this was a new fund that established the application process. The authorizing statute established how the funds were to be used.

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

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Ad Valorem Tax; State Assessment

103 KAR 8:090. Classification of property; public service corporations. Richard Bertelson, staff attorney manager; Jessica Johnston, executive director; Bethany Rice, executive director; and Jennifer Stosberg, staff attorney manager, represented the department.

Income Tax; Corporations

103 KAR 16:270. Apportionment; receipts factor.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:050. Licenses and permits; fees. Eden David, general counsel, represented the board.

201 KAR 2:076. Compounding.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 4, and 7 to comply with the drafting requirements of KRS

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

Board of Licensure for Long-Term Care Administrators
201 KAR 6:020. Other requirements for licensure. Dr. Keith Knapp, member; Kenneth Urlage, chair; and Kevin Winstead, commissioner, represented the board.

In response to a question by Senator Alvarado, Mr. Winstead stated that this administrative regulation was being amended to revise the edition date of material incorporated by reference.

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

Board of Dentistry

201 KAR 8:520. Fees and fines. Jeffrey Allen, executive director, represented the board.

In response to questions by Co-Chair Hale, Mr. Allen stated that this administrative regulation was being amended to make technical corrections. Fees were not being increased; however one new fee was established and one was also being removed.

In response to a question by Senator Alvarado, Mr. Allen stated that there was a typographical error regarding a fee amount. The Regulation Compiler was authorized to correct typographical errors and would make the change.

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

301 KAR 2:015. Feeding of wildlife. Steve Fields, staff attorney, and Rich Storm, commissioner, represented the department.

A motion was made and seconded to approve the following amendment: to add a new Section 3 to establish baiting and feeding requirements for Chronic Wasting Disease Surveillance or Management Zones. Without objection, and with agreement of the agency, the amendment was approved.

301 KAR 2:142. Spring wild turkey hunting.

301 KAR 2:224. Waterfowl hunting zones.

Hunting and Fishing

301 KAR 3:012. Public use of Otter Creek Outdoor Recreation Area.

301 KAR 3:027. Hunting and fishing method exemptions for disabled persons.

301 KAR 3:030. Year-round season for wildlife.

301 KAR 3:110. Mobility-impaired hunts for deer, turkey and waterfowl.

Wildlife

301 KAR 4:050. Swan Lake Unit of Boatwright Wildlife Management Area.

301 KAR 4:070. Scientific and educational collecting permits.

Licensing

301 KAR 6:070. Boat dealers.

JUSTICE AND PUBLIC SAFETY CABINET:
Department of Corrections: Kentucky Parole Board

501 KAR 1:050. Granting final discharge from parole. Amy Barker, assistant general counsel; Jennifer Bogard, program administrator; and Kirstie Willard, director, Local Facilities, represented the department.

In response to questions by Co-Chair West, Ms. Barker stated that the authorizing statute prohibited final discharge without the parolee having made full ordered restitution. Restitution status did not affect parole eligibility, only final discharge.

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

Class D and Class C Felons

501 KAR 2:020. Definitions for 501 KAR Chapter 2.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, and CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1(6) to define “deaf or hard of hearing inmate” as an inmate who has a hearing loss that qualifies the inmate as an individual with a disability under the Americans with Disabilities Act. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 2:060. Procedures for housing of Class C and D felons.

In response to a question by Co-Chair Hale, Ms. Willard stated that this administrative regulation allowed offenders who had 90 days or less remaining of their sentences to, if they so choose, serve the remainders of the sentences rather than being considered for parole.

A motion was made and seconded to approve the following amendments: (1) to amend Section 8 to clarify that furlough requests shall be: (a) submitted to the classification branch manager; and (b) governed by CPP 25.4, which was incorporated by reference in 501 KAR 6:020; (2) to amend Section 9 to clarify that the jail pays for routine medical care but may charge

a copay in accordance with KRS 441.045(13); and (3) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 5 and 7 through 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.

Jail Standards for Full-service Facilities

501 KAR 3:110. Classification.

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

501 KAR 3:120. Admission; searches and release.

501 KAR 3:130. Prison programs; services.

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

501 KAR 3:150. Hearings, procedures, disposition.

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

501 KAR 3:170. Classifications.

Office of the Secretary

501 KAR 6:190. Approval process for mental health professionals performing comprehensive sex offender presentence evaluations and treatment of sex offenders.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 3, and 5 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 6:200. Comprehensive sex offender presentence evaluation procedure.

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

agreement of the agency, the amendments were approved.

501 KAR 6:250. Graduated sanctions for technical violations of probation and compliance incentives system.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 4 to include interpersonal protective orders in addition to emergency protective orders and domestic violence orders; (2) to amend Section 3(5) to clarify when discussion with a supervisor is required; and (3) to amend Sections 1 through 4 and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Jail Standards for Restricted Custody Center Facilities

501 KAR 7:040. Personnel.

501 KAR 7:060. Security; control.

501 KAR 7:090. Medical services.

501 KAR 7:100. Food services.

501 KAR 7:110. Classification.

501 KAR 7:120. Admission; searches and release.

501 KAR 7:130. Prisoner programs; services.

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

501 KAR 7:140. Prisoner rights.

A motion was made and seconded to approve the following amendment: to amend Section 1(2) to specify that the statement of prisoner rights may also be provided in an electronic format, as required by KRS 441.055(1)(a)2.a. Without objection, and with agreement of the agency, the amendment was approved.

501 KAR 7:150. Training.

A motion was made and seconded to approve the following amendments: to amend Section 2(2)(b) to require training on communicable diseases, in accordance with KRS 441.115(1). Without objection, and with agreement of the agency, the amendments were approved.

Psychiatric or Forensic Psychiatric Facility Victim Notification System

501 KAR 14:010. Psychiatric or Forensic

Psychiatric Facility Victim Notification System.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: Office of Chief State School Officer

701 KAR 5:160. Selection and Appointment of Non-Voting Kentucky Board of Education Members. Todd Allen, general counsel, and Matt Ross, policy advisor, represented the office.

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

School Terms, Attendance, and Operation

702 KAR 7:150. Home or hospital instruction.

Office of Learning Support Services

704 KAR 7:121. Repeal of 704 KAR 007:120. (Deferred from September)

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEMS: Commission on Fire Protection Personnel Standards and Education

739 KAR 2:060. Certification and qualifications of fire and emergency services instructors. Jeremy Rodgers, director of operations, and John Wood, attorney, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Sections 2 and 5 to resolve inconsistencies and clarify the grandfathering of existing Level III instructors certified on or before January 1, 2022; and (3) to amend Section 3 to reorganize the qualifications for a Level I instructor. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Workforce Investment: Office of Employment and Training

787 KAR 2:040. Local workforce development area governance. Honor Barker, deputy commissioner, and Scotty McFarlan, staff attorney, represented the department.

LABOR CABINET: Department of Workers' Claims 803 KAR 25:190. Utilization review – Medical Bill Audit – Medical Director – Appeal of Utilization Review Decisions.

This subcommittee found this administrative regulation deficient. Please see the “deficient” portion of this report near the beginning of these minutes.

PUBLIC PROTECTION CABINET: Department of Insurance: Unauthorized Insurers' Prohibitions, Process and Advertising

806 KAR 11:020. Multiple employer welfare arrangements. Sharon Clark, commissioner; Abigail Gall, regulation coordinator; Shaun Orme, executive advisor; and Chad Thompson, general counsel, represented the department.

In response to a question by Co-Chair West, Ms. Clark stated that the \$500 filing fee was not new.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 4 and 6 through 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Motor Vehicle Repairs (No-fault)

806 KAR 39:070. Proof of motor vehicle insurance.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Housing, Buildings and Construction: Elevator Safety

815 KAR 4:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts. Max Fuller, deputy commissioner; Mike Haney, State Fire Marshal; David Moore, plumbing director; Rick Rand, commissioner; and Benjamin Siegel, general counsel, represented the department.

Co-Chair Hale stated that the commissioner had previously discussed the need for these fee increases.

815 KAR 4:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

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

815 KAR 4:027. Reporting incidents involving

personal injury or death.	Ms. Veno stated that this administrative regulation was filed as an emergency because the glossary of telehealth terminology was required to be used in the fall health plans. The office agreed to submit more information regarding the nature of the emergency.	31 KAR 4:195E. Consolidation of precincts and precinct election officers.
Kentucky Building Code	In response to questions by Co-Chair West, Ms. Veno stated that confidentiality requirements also applied in telehealth situations, including to the Department for Public Health.	31 KAR 4:195. Consolidation of precincts and precinct election officers.
815 KAR 7:080. Licensing of fire protection sprinkler contractors.	Department for Community Based Services: Division of Child Care: Day Care	31 KAR 4:200E. Chain of custody for records during an election contest.
A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	922 KAR 2:160. Child Care Assistance Program. Laura Begin, staff assistant, represented the division.	31 KAR 4:200. Chain of custody for records during an election contest.
815 KAR 7:110. Criteria for expanded local jurisdiction.	Department of Disability Determination Services: Disability Determination	Voting
A motion was made and seconded to approve the following amendments: to amend Sections 2 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	923 KAR 2:470. Disability Determinations Program. John Paige, assistant director, and Wesley Phelps, branch manager, represented the department.	31 KAR 5:025E. Ballot standards and election security.
Standards of Safety	A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	31 KAR 5:025. Ballot standards and election security.
815 KAR 10:060. Kentucky standards of safety.	The following administrative regulations were deferred or removed from the November 9, 2021, subcommittee agenda:	DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims
A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Council on Postsecondary Education: Adult Education and Literacy	40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.
815 KAR 10:070. Consumer fireworks retailer registration and fees.	13 KAR 3:010. GED Testing Program.	PERSONNEL CABINET: Personnel Board, Classified
Plumbing	13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.	101 KAR 2:210E. 2022 Plan Year Handbook for the Public Employee Health Insurance Program.
815 KAR 20:050. Installation permits.	13 KAR 3:030. Qualifications for progressing satisfactorily through a GED preparation program.	Kentucky Retirement Systems: General Rules
815 KAR 20:195. Medical gas piping installations.	13 KAR 3:040. GED Incentives Program.	105 KAR 1:210. Disability procedures.
Hazardous Materials	13 KAR 3:050. GED eligibility requirements.	105 KAR 1:310. Fred Capps Memorial Act.
815 KAR 30:010. LP gas license; financial responsibility required.	13 KAR 3:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions.	General Rules
815 KAR 30:060. Certification of underground petroleum storage tank contractors.	STATE BOARD OF ELECTIONS: Statewide Voter Registration	105 KAR 1:330. Purchase of service credit.
A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.	BOARDS AND COMMISSIONS: Board of Pharmacy
CABINET FOR HEALTH AND FAMILY SERVICES: Office of Telehealth Services: Telehealth	Forms and Procedures	201 KAR 2:430. Emergency orders and hearings.
900 KAR 12:005E. Telehealth terminology and requirements. Kim Minter, staff assistant, and Donna Veno, division director, represented the office.		Board of Embalmers and Funeral Directors
In response to questions by Senator Alvarado,		201 KAR 15:030E. Fees.
		201 KAR 15:030. Fees.
		201 KAR 15:040. Examination.
		201 KAR 15:050. Apprenticeship and supervision requirements.
		201 KAR 15:110. Funeral establishment criteria.
		201 KAR 15:125. Surface transportation permit.
		Board of Nursing
		201 KAR 20:215. Continuing competency requirements.

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

201 KAR 20:471. Repeal of 201 KAR 020:470.

201 KAR 20:472. Initial approval for dialysis technician training programs.

201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.

201 KAR 20:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.

201 KAR 20:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.

TOURISM, ARTS AND HERITAGE CABINET:
Department of Fish and Wildlife Resources: Game
301 KAR 2:082. Transportation and holding of live exotic wildlife.

Hunting and Fishing

301 KAR 3:010. Public use of Wildlife Management Areas.

301 KAR 3:026. Access to Wildlife Management Areas for mobility-impaired individuals.

Wildlife

301 KAR 4:001. Selection of Fish and Wildlife Resources Commission nominees.

301 KAR 4:010. Districts.

301 KAR 4:020. Ballard Wildlife Management Area restrictions.

301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.

301 KAR 4:110. Administration of drugs to wildlife.

Licensing

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

301 KAR 5:030. Purchasing licenses and permits.

301 KAR 5:100. Interstate Wildlife Violators Compact.

Water Patrol

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

Kentucky State Fair Board: Fairgrounds and Exhibition Center

303 KAR 1:005. Vehicle speed.

303 KAR 1:010. Vehicle parking.

303 KAR 1:015. Traffic flow.

303 KAR 1:075. Conduct and operation of concessions and exhibits.

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

303 KAR 1:090. Exhibition Center, dissemination of material; demonstrations.

303 KAR 1:100. Exposition Center, grounds; sales and dissemination of real property, fixtures and goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment.

303 KAR 1:110. Procurement procedures.

JUSTICE AND PUBLIC SAFETY CABINET:
Department of Criminal Justice Training: Kentucky Law Enforcement Council

503 KAR 1:060. Definitions for 503 KAR Chapter 1.

503 KAR 1:080. Certification of schools.

503 KAR 1:090. Approval of course curriculums.

503 KAR 1:100. Certification of instructors.
503 KAR 1:110. Department of Criminal Justice Training Basic training: graduation requirements; records.

503 KAR 1:120. Professional development in-service training: training requirements; recognized courses; records.

503 KAR 1:140. Peace officer, telecommunicator, and court security officer professional standards.

503 KAR 1:170. Career Development Program.

TRANSPORTATION CABINET: Department of Highways: Traffic

603 KAR 5:360. Transportation Cabinet use of interstate and parkway signs to locate missing persons.

TRANSPORTATION CABINET: Department of Highways: Billboards

603 KAR 10:011E. Repeal of 603 KAR 010:002, 010:010, and 010:021.

603 KAR 10:040E. Advertising devices.

603 KAR 10:040. Advertising devices.

EDUCATION AND WORKFORCE
DEVELOPMENT CABINET: Kentucky Board of Education: General Administration

702 KAR 1:191E. District employee quarantine leave.

702 KAR 1:191. District employee quarantine leave.

School Terms, Attendance, and Operation

702 KAR 7:125. Pupil attendance.

702 KAR 7:125E. Pupil attendance.

Department for Libraries and Archives: Archives

725 KAR 1:010. Records officers; duties.

725 KAR 1:020. Recording and reproducing public records.

725 KAR 1:025. Transfer of public records.

725 KAR 1:030. Scheduling public records for retention and disposal; procedures.

725 KAR 1:040. Collection and distribution of reports and publications.

725 KAR 1:050. Records management program.

725 KAR 1:061. Records retention schedules; authorized schedules.

Libraries

725 KAR 2:015. Public library facilities construction.

725 KAR 2:080. Interstate Library Compact.

Department of Workforce Investment: Office of Vocational Rehabilitation

781 KAR 1:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 1:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

781 KAR 1:040. Rehabilitation technology services.

781 KAR 1:050. Carl D. Perkins Vocational Training Center.

Office for the Blind

782 KAR 1:010. Kentucky Business Enterprises.

782 KAR 1:070. Certified driver training program.

Kentucky Commission on Proprietary Education

791 KAR 1:010. Applications, permits, and renewals.

791 KAR 1:020. Standards for licensure.

791 KAR 1:025. Fees.

791 KAR 1:027. School record keeping requirements.

791 KAR 1:030. Procedures for hearings.

791 KAR 1:035. Student protection fund.

791 KAR 1:040. Commercial driver license training school curriculum and refresher course.

791 KAR 1:050. Application for license for commercial driver license training school.

791 KAR 1:060. Application for renewal of license for commercial driver license training school.

791 KAR 1:070. Commercial driver license training school instructor and agency application and renewal procedures.

791 KAR 1:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.

791 KAR 1:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 1:150. Bond requirements for agents and schools.

791 KAR 1:155. School closing process.

791 KAR 1:160. Transfer of ownership, change of location, change of name, revision of existing programs.

LABOR CABINET: Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 1:005. Employer-employee relationship.

803 KAR 1:025. Equal pay provisions, meaning and application.

803 KAR 1:060. Overtime pay requirements.

803 KAR 1:063. Trading time.

803 KAR 1:065. Hours worked.

803 KAR 1:066. Recordkeeping requirements.

803 KAR 1:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 1:075. Exclusions from minimum wage and overtime.

803 KAR 1:080. Board, lodging, gratuities and other allowances.

803 KAR 1:090. Workers with disabilities and work activity centers' employee's wages.

Occupational Safety and Health

803 KAR 2:330E. Occupational exposure to COVID-19.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 17:350. Life insurance and managed care.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Telehealth Services: Telehealth

900 KAR 12:005. Telehealth terminology and requirements.

Department for Public Health: Sanitation

902 KAR 10:120. Kentucky public swimming and bathing facilities.

902 KAR 10:190. Splash pads operated by local governments.

Department for Medicaid Services: Hospital Services Coverage and Reimbursement

907 KAR 10:815. Per Diem inpatient hospital reimbursement.

Outpatient Pharmacy Program

907 KAR 23:020. Reimbursement for outpatient drugs.

The subcommittee adjourned at 2:35 p.m. The next meeting of this subcommittee was tentatively scheduled for December 9, 2021, at 1 p.m.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE

Minutes of the 6th Meeting of the 2021 Interim

November 16, 2021

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Appropriations and Revenue was held on Tuesday, November 16, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Christian McDaniel, Chair,

called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Christian McDaniel, Co-Chair; Representative Jason Petrie, Co-Chair; Senators Danny Carroll, Matt Castlen, Morgan McGarvey, Stephen Meredith, Michael J. Nemes, Robin L. Webb, and Stephen West; Representatives Lynn Bechler, Danny Bentley, John Blanton, Randy Bridges, Myron Dossett, Joseph M. Fischer, Ken Fleming, Kelly Flood, Chris Fugate, Al Gentry, David Hale, Mark Hart, Angie Hatton, Jason Nemes, Ruth Ann Palumbo, Melinda Gibbons Prunty, Josie Raymond, Brandon Reed, Steve Riley, James Tipton, and Lisa Willner.

Guests: Ethan Fieldman, Founder and President, Study Edge; Morgan Chittum, Associate Director, Math Nation; Dana Jenkins, Associate Director, South Carolina, Math Nation; Holly Johnson, Secretary, Finance and Administration Cabinet; Wendy Smith, Deputy Executive Director, Housing Programs, Kentucky Housing Corporation; Beth Lucas, ICS Director, Administrative Office of the Courts; and Carole Henderson, Budget Director, Administrative Office of the Courts.

LRC Staff: Jennifer Hays, Sarah Watts, and Chase O'Dell.

Approval of Minutes

A motion was made by Senator Nemes, seconded by Representative Hale, to approve the minutes from the October 6, 2021, meeting. The motion carried by voice vote.

Math Nation

Ethan Fieldman, Founder and President, Study Edge; Morgan Chittum, Associate Director, Math Nation; and Dana Jenkins, Assistant Director, South Carolina, Math Nation, discussed the Math Nation program.

Senator Thayer testified that Math Nation is an online learning tool to help students behind on arithmetic. Even before the pandemic, there were plenty of students in the Commonwealth behind in math, which has been exacerbated by the pandemic. Senator Thayer stated that he and Senator Wise would make a budget request in the upcoming legislative session for Math Nation.

Mr. Fieldman testified that many Kentucky schools have less than 50 percent of students scoring at proficient or distinguished levels in math. ACT scores were going down before the pandemic. Teacher shortages are expected to expand more than seven percent.

Math Nation makes math more fun for students. Math Nation is proven to increase test scores for students. Teachers want videos for students to watch after school, a workbook for students to follow along, tutoring for every student, a district-by-district approach, and parent involvement. In Florida, Math Nation was adopted by 100 percent of school districts

without a mandate. The program is now in several states and works with local universities for standards alignment and evaluations.

Students can choose different instructors who have recorded everything according to state math standards. Students have access to these tutors every day, all day, on phones or computers. Each student receives a workbook specific to state standards.

Math Nation uses math in action, which features videos highlighting careers using math. Math Nation has also implemented functions where students can help each other with math homework. Access to the programs offered are universal, where students with old hardware can still access content.

In response to a question from Representative Tipton, Mr. Fieldman stated that Math Nation has had contact with the Commissioner of the Department of Education who expressed a willingness to operate the program if it were approved by the legislature. In response to another question, Mr. Fieldman testified that the program works with college institutions who train teachers.

In response to a question from Representative Hart, Mr. Fieldman stated that Math Nation provides access to homeschool students and parents.

In response to a question from Representative Raymond, Mr. Fieldman testified that no new log-in is required for Math Nation's programs. The program develops content aligned with state standards. Districts and teachers can decide how to use the program. The key concept is for simplicity for parents to help students. Mr. Fieldman stated that Math Nation does not believe in mandates. Instead, each district can choose how it wants to use the program.

Emergency Rental Assistance Program

Holly Johnson, Secretary, Finance and Administration Cabinet; and Wendy Smith, Deputy Executive Director, Housing Programs, Kentucky Housing Corporation, discussed the Emergency Rental Assistance Program.

Ms. Smith testified that the Kentucky Housing Corporation (KHC) is a quasi-state agency and is the state's housing finance agency. Its mission is to invest in quality housing solutions that are affordable for families and communities across Kentucky. KHC takes private, federal, and state funds. These funds are invested across the state. KHC works on issues for homeowners and homebuyers, on rental housing, and on homelessness programs.

The emergency rental assistance (ERA) program is funded by the U.S. treasury. Funds have come to Kentucky through this program. The program is intended to assist tenants, which also assists landlords and utilities. KHC is the primary sub-recipient and administrator of this program for the Finance and Administration Cabinet. Rent and utility relief is offered to 118 counties.

KHC has until September, 2022, to expend the first set of funds. The Commonwealth received just over \$264 million. Louisville and Lexington each received

individual grants from the Treasury. Louisville received almost \$23 million. Lexington received \$9.6 million. Because Louisville and Lexington did not receive proportionate shares of the funding based on their population, KHC has given them additional sub-grants. KHC transferred an additional \$27 million to Louisville and an additional \$11.7 million to Lexington. The programs administered by Louisville, Lexington, and KHC are virtually identical.

KHC administers the Healthy at Home Eviction Relief Fund program. The purpose of this fund is to assist Kentucky tenants with rent and/or utilities to keep them housed. This fund allows landlords and utilities to get substantial payments for arrears. This program is also aimed at reducing the volume of eviction cases in Kentucky courts. To be eligible for receiving funds, tenants must live in one of the 118 counties covered by the fund and must earn at or below 80 percent of the area median income. Assistance is provided through lump sum direct deposit payments to landlords and lump sum direct payments to utilities.

Depending on past due bills, tenant applicants can receive assistance with rent, utilities, or both. As of November 12, 2021, KHC has paid out \$80.2 million of total assistance. Over 22,300 individual payments have been provided to help over 16,000 renters or households. The average assistance provided almost \$5,000. Recently, an average of more than 1,000 new applications are submitted per week. Since February, \$38.7 million has been sub-granted to Louisville and Lexington. Of the total grant given to Kentucky, \$124 million, or 47 percent, has been committed. KHC still has \$122.8 million left available to assist Kentucky renters.

Eviction filings remain at a lower rate than in 2019.

In response to a question from Representative Fleming, Ms. Smith testified that KHC is allowed to spend 10 percent of the grant on administrative costs. Thus far, KHC has spent about four percent of the grant on administrative costs. She continued to say that once a complete application is submitted by both the tenant and the landlord, KHC can process the application in two to three weeks. This timeline depends on the traffic of applications during a certain time period. In response to another question from Representative Fleming, Ms. Smith testified that there are many landlords who are getting tenants to apply to receive assistance. However, there are also situations where a contentious relationship exists between the landlord and tenant and applications are not received quickly.

Technology Upgrades for Virtual Hearing Equipment

Beth Lucas, ICS Director, Administrative Office of the Courts and Carole Henderson, Budget Director, Administrative Office of the Courts, discussed technology upgrades for virtual hearing equipment.

Ms. Lucas testified to the challenges faced by the Administrative Office of the Courts (AOC) in upgrading technology for virtual hearing equipment.

Some of these challenges include project resources, particularly staffing; equipment availability; geographic technology limitations, such as bandwidth; and funding for ongoing costs for maintenance or support of software equipment. Solutions must be simple and sustainable.

Research and development for the video arraignment and conferencing project is underway. A team for the project and stakeholders are in place. Many people throughout the state are using various solutions such as Zoom or Microsoft Office. In December 2021, AOC will move into the proof of concept stage.

AOC is also pursuing multiple avenues for the Self-Represented Litigant Portal project. Pilot programs should be launched in early 2022. Significant progress has been made on the redaction system software project. The license has been secured. AOC is in the project planning stage. AOC is in negotiations with a vendor for the self-service kiosks project. A pilot site should be launched in early 2022.

In response to a question from Senator McDaniel, Ms. Lucas testified that an individual could scan a QR code on a speeding ticket and pay it online. In response to another question from Senator McDaniel, Ms. Lucas stated that ongoing costs entail potential costs for equipment maintenance and support.

Senator Webb spoke to the value of having court proceedings done in person. She also expressed concern over guided interviews.

With no further business before the committee, the meeting was adjourned at 2:10 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the December Meeting

December 9, 2021

Call to Order and Roll Call

The December meeting of the Administrative Regulation Review Subcommittee was held on Thursday, December 9, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

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

Guests: Becky Gilpatrick, Miles Justice, Kentucky Higher Education Assistance Authority; Natalie Cummins, Office of Adult Education; Cassie Trueblood, Education Professional Standards Board; Johnna Ballinger and Michael Wilson, Department of State; Jenni Scutchfield, Office of Secretary of State; Taylor Brown, State Board of Elections; Chris Chamness, Personnel Cabinet; Eden Davis and Larry Hadley, Board of Pharmacy; Kelly Jenkins and Jeffrey Prather, Board of Nursing; Steven Fields, Kentucky

Department of Fish and Wildlife Resources; Carrie Bauer, David Beck, Shawn Hensler, and Tony Schreck, Kentucky State Fair Board; Bradley Arterburn, Amy Barker, Brenn Combs, Dana Peacock, Matt Travis, and Jeremy Triplett, Kentucky State Police; Melissa Beck, Deadra Douglas, Dr. Frank Kubala, John Moberly, and Kevin Rader, Department of Criminal Justice Training; Wayne Burd, Jerame Brown, Michael Dossett, Jon Johnson, Mark McCoy, Larissa Plecha, Ricky Sizemore, and Mike Smith, Department of Highways; Todd Allen and Matt Ross, Department of Education; Lisa Lang, Kentucky State University; Sam Flynn, Dale Hamblin, and Robert Walker, Department of Workers' Claims; Joshua Newton and Allyson Taylor, Alcoholic Beverage Control; Abigail Gall, Shaun Orme, and Chad Thompson, Department of Insurance; Shan Dutta, Marc Guilfoil, Tim Schmitz, and Jennifer Wolsing, Kentucky Horse Racing Commission; Kim Minter, Kelli Rodman, and Donna Veno, Office of Telehealth Services; Julie Brooks, Andrea Flinchum, Bob Ford, and Dr. Steven Stack, Department for Public Health; Steve Bechtel, Lee Guice, Lisa Lee, Amy Richardson, and Jonathan Scott, Department for Medicaid Services; Laura Begin, Department for Community Based Services; Dr. Sarah Hanover, Department for Community Based Services; Sandy Woodall, EC Learn of Kentucky; Melanie Barker, KACCO; Robin Billingsley, self; Dana Bixler, Notebook Learning Center; and Karen Sullivan, Little Angels Child Care.

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

The Administrative Regulation Review Subcommittee met on Thursday, December 9, 2021, and submits this report:

The following effective Administrative Regulation was reviewed pursuant to KRS 13A.030(3):

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Community Based Services; Protection and Permanency

922 KAR 2:090. Child-care center licensure. Laura Begin, regulation coordinator; Kelli Rodman, executive director; and Dr. Sarah Vanover, division director, represented the department. Sandy Woodall, executive director, EC Learn of Northern Kentucky, appeared in support of this administrative regulation. Melanie Barker, founder of KACCO and owner and director of ABC Children's Academy; Dana Bixler, owner, Notebook Learning Center; and Karen Sullivan, office manager, Little Angels Child Care, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair West, Ms. Sullivan stated that there had been a misunderstanding among the department, cabinet officials, and providers regarding CPR certification. Some child care providers believed they had obtained the required certification; however, the department's electronic system was denying the certification approval. Ms. Sullivan

requested that the department accept the certification that these providers had received.

In response to a question by Co-Chair West, Ms. Barker stated that certification was being accepted by some and denied by others in the cabinet. She described a timeline of contact with the cabinet in the process of attempting to verify CPR certification. The department allowed a grace period, ending at the conclusion of 2021, to obtain the proper certification. Ms. Barker requested that the grace period be extended until the end of the current certification period. Providers had not been notified of the change of approved certification providers.

In response to questions by Co-Chair West, Ms. Rodman stated that this administrative regulation was previously amended based on federal language. Each provider must have at least one (1) person certified to perform CPR for specific age ranges while children were present at the provider's facility. The department needed to further investigate this matter in order to comment further. Additionally, there was an ongoing credentialing appeal that limited the department's ability to comment. Ms. Begin stated that this issue was complicated and that the department had allowed a grace period for proper credentialing, ending at the conclusion of 2021. The cabinet was able to provide free, cabinet approved certification to ameliorate this situation.

In response to a question by Co-Chair West, Ms. Bixler stated that the timing of this situation was unfortunate. If staff needed to be recertified, even if the certification was free of charge, due to staffing shortages, it would not be practical for staff to be absent from work to obtain the certification.

In response to a question by Co-Chair West, Ms. Woodall stated that this administrative regulation was comprised of best practices to keep children as safe as possible. These were potentially matters of life and death.

In response to a question by Co-Chair West, Ms. Rodman stated that there was a difference between CPR training and CPR certification. Certification involved instruction and the performance of CPR techniques, while training was primarily instruction. Only one (1) person must be certified to perform CPR for specific age ranges while children were present at the provider's facility. Ms. Bixler stated that all staff at her facility were required to be certified in order to provide for absences and other needs. Many facilities required that multiple staff be certified.

In response to a question by Co-Chair West, Ms. Barker stated that the course she was involved with taught high quality infant, pediatric, and adult CPR.

Co-Chair West stated that there seemed to be significant confusion and a communication breakdown. Ms. Rodman agreed that the cabinet would continue to work with stakeholders regarding this matter.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Early Childhood Development Scholarship Program

11 KAR 16:001. Definitions for 11 KAR Chapter 16. Becky Gilpatrick, director of student aid, and Miles Justice, senior associate counsel, represented the authority.

11 KAR 16:010. Early Childhood Development Scholarship Program applicant selection process.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Council on Postsecondary Education: Adult Education and Literacy

13 KAR 3:010. GED Testing Program. Natalie Cummins, GED administrator, represented the council.

In response to a question by Co-Chair Hale, Ms. Cummins stated that the fee increases were an error, which the agency amendment corrected.

In response to questions by Co-Chair West, Ms. Cummins stated that KY Skills U had been moved along with the Council on Postsecondary Education, which was reorganized under the Education and Workforce Development Cabinet.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A; and (3) to amend Section 5 to decrease the fees to the original amounts of: (a) ten (10) dollars for processing the duplicate transcript request; and (b) twenty-five (25) dollars to issue the duplicate diploma and transcript. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1 to establish the minimum qualification requirements of instructors. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:030. Qualifications for progressing satisfactorily through a GED preparation program.

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

13 KAR 3:040. GED Incentives Program.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; (2) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to delete material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:050. GED eligibility requirements.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions.

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

Education Professional Standards Board: Teaching Certificates

16 KAR 2:040. Interdisciplinary early childhood education, birth to primary. Cassie Trueblood, counsel, represented the board.

16 KAR 2:050. Certificates for teachers of exceptional children/communication disorders.

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

Certification Procedures

16 KAR 4:020. Certification requirements for teachers of exceptional children.

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

the amendments were approved.

SECRETARY OF STATE: Trademarks and Service Marks

30 KAR 3:010. Application for registration of trademarks and service marks. Johnna Ballinger, supervisor, Administrative Section, and Michael Wilson, director, represented the Secretary of State.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 6 to comply with the drafting requirements of KRS Chapter 13A; (2) to amend Sections 1 and 2 for consistency with the application form; and (3) to amend Section 6 to revise material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

30 KAR 3:020. Application for renewal of registration.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 2 to revise material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

30 KAR 3:030. Classification of goods and services for registration of trademarks and service marks.

Address Confidentiality Program

30 KAR 6:011. Kentucky address confidentiality program. Jennifer Scutchfield, Assistant Secretary of State, represented the Secretary of State.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 6 and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

STATE BOARD OF ELECTIONS: Statewide Voter Registration

31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists. Taylor Brown, general counsel, represented the board.

In response to questions by Co-Chair Hale, Mr. Brown stated that the State Board of Elections typically received one or two requests for voter registration outside of the US. The intention of this amendment was to increase data security.

A motion was made and seconded to approve the following amendments: to amend Section 7 and the material incorporated by reference to: (1) update statutory and regulatory references; (2) delete outdated and unnecessary fields; and (3) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Forms and Procedures

31 KAR 4:195E. Consolidation of precincts and precinct election officers.

In response to a question by Senator Alvarado, Mr. Brown stated that 31 KAR 4:195E, 31 KAR 4:200E, and 31 KAR 5:025E were filed on an emergency basis in response to House Bill 574 from the 2021 Regular Session of the General Assembly. These were needed in the event of special elections, of which there were three in 2021.

31 KAR 4:200E. Chain of custody for records during an election contest.

In response to questions by Co-Chair West, Mr. Brown stated that this administrative regulation established each procedure related to chain of custody for election documents. The purpose was to encourage confidence in election security. County election boards and sheriff's offices made comments to further enhance this process; therefore, the State Board of Elections intended to revise these procedures based on those comments in the near future.

Voting

31 KAR 5:025E. Ballot standards and election security.

PERSONNEL CABINET: Personnel Board, Classified

101 KAR 2:210E. 2022 Plan Year Handbook for the Public Employee Health Insurance Program. Christopher Chamness, staff attorney, represented the board.

101 KAR 2:210. 2022 Plan Year Handbook for the Public Employee Health Insurance Program.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:030. License transfer. Eden Davis, general counsel, and Larry Hadley, executive director, represented the board.

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

AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 2:074. Pharmacy services in hospitals.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 2:412E. Ordering and administering vaccinations.

In response to questions by Senator Alvarado, Ms. Davis stated that the provisions in this administrative regulation were congruent with federal law. There was immunity from liability pertaining to immunization against coronavirus (COVID-19). The federal law provided for epinephrine administration for anaphylactic reactions to immunization. Mr. Hadley stated that there was no specific protocol for each potential reaction; however, the board would consider adding those provisions.

In response to questions by Co-Chair West, Ms. Davis stated that this administrative regulation did not constitute a blanket immunization authorization. These provisions were for immunization against coronavirus (COVID-19) (with FDA approval or an emergency use authorization) and seasonal flu for individuals aged 19 and older. Physicians already had administration authorization pursuant to their scope of practices under physicians' licensure boards. Children were typically immunized in a physician's office; however, many routine adult immunizations were done at pharmacies.

Board of Nursing

201 KAR 20:215. Continuing competency requirements. Jeffrey Prather, general counsel, represented the board.

In response to a question by Co-Chair West, Mr. Prather stated that the board found "implicit bias" studies that demonstrated that there were different outcomes from treatment affected by individual backgrounds, such as race and social class.

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

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

301 KAR 6:001. Definitions for 301 KAR Chapter 6. Steven Fields, staff attorney, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and 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.

Kentucky State Fair Board: Fairgrounds and Exhibition Center

303 KAR 1:005. Vehicle speed. Carrie Bauer, general counsel, represented the board.

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

303 KAR 1:010. Vehicle parking.

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

303 KAR 1:015. Traffic flow.

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

303 KAR 1:075. Conduct and operation of concessions and exhibits.

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

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to make clarifications; (2) to add a new Section 2 to establish that these requirements shall not apply during the annual Kentucky State Fair, in accordance with 303 KAR 1:100; (3) to add a new Section 3 to incorporate by reference the diagram of the Fair Grounds and Exposition Center and the Activity Permit Application; and (4) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and 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.

303 KAR 1:090. Exhibition Center, dissemination of material; demonstrations.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and 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.

303 KAR 1:100. Exposition Center, grounds; sales and dissemination of real property, fixtures and goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment.

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

303 KAR 1:110. Procurement procedures.

JUSTICE AND SAFETY CABINET: Department of State Police: Medical Examiner Protocols

502 KAR 12:010. Sexual assault forensic-medical examination protocol. Amy Barker, assistant general

counsel, and Jeremy Triplett, forensic lab manager, represented the department.	approved.	5 and 7 to comply with the drafting requirements of KRS Chapter 13A and make technical changes. Without objection, and with agreement of the agency, the amendments were approved.
A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	Methamphetamine	503 KAR 1:120. Professional development in-service training; training requirements; recognized courses; records.
Automated Fingerprint Identification System	502 KAR 47:010. Methamphetamine.	A motion was made and seconded to approve the following amendment: to amend Section 3 to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.
502 KAR 14:010. Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police.	Trial Board Proceedings	503 KAR 1:140. Peace officer, telecommunicator, and court security officer professional standards.
A motion was made and seconded to approve the following amendments: (1) to amend Section 7 to update material incorporated by reference; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4, 6, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	502 KAR 50:010. Admissibility of evidence.	A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, 6, 8, 10 through 13, 15, and material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.
Polygraph	A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	503 KAR 1:170. Career Development Program.
502 KAR 20:020. Detection of deception examiners.	Department of Criminal Justice Training: Kentucky Law Enforcement Council	A motion was made and seconded to approve the following amendments: to amend Sections 3, 13 through 17, 25, 26, 28, 29, 31, and 34 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.
A motion was made and seconded to approve the following amendments: to amend Sections 2 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.	503 KAR 1:060. Definitions for 503 KAR Chapter 1. Melissa Beck, executive staff advisor, and Deaidra Douglas, assistant general counsel, represented the council.	General Training Provision
Sex Offender Registration System	A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.	503 KAR 3:020. Law enforcement training course trainee requirements; misconduct; penalties; discipline procedures.
502 KAR 31:020. Sex Offender Registration System.	503 KAR 1:080. Certification of schools.	A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 5 and 8 through 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.
A motion was made and seconded to approve the following amendments: to amend Sections 1, 4, 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.	503 KAR 1:090. Approval of course curriculums.	503 KAR 3:030. Training charges.
Law Information Network of Kentucky	In response to a question by Co-Chair Hale, Ms. Douglas and Ms. Beck stated that course curriculum requirements were the same for Kentucky training facilities as those for out-of-state training facilities.	A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.
502 KAR 40:010. Law Information Network of Kentucky.	A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.	503 KAR 3:050. Telecommunications (Public
A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were	503 KAR 1:100. Certification of instructors.	
	A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.	
	503 KAR 1:110. Department of Criminal Justice Training Basic training: graduation requirements; records.	
	A motion was made and seconded to approve the following amendments: to amend Sections 1 through	

Safety Dispatch) Academy graduation requirements; records.

In response to a question by Co-Chair Hale, Ms. Douglas stated that these academies pertained to informational databases that required specialty training.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 3, 4, 6, 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.

Concealed Deadly Weapons

503 KAR 4:010. Definitions for 503 KAR Chapter 4.

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

503 KAR 4:040. Required instructor training.

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

503 KAR 4:050. Required content and conduct of applicant training course.

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

Law Enforcement Foundation Program Fund

503 KAR 5:080. Definitions.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and 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.

503 KAR 5:100. Disbursement of salary supplement funds; audits.

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

TRANSPORTATION CABINET: Department of Highways: Maintenance

603 KAR 3:100. Noxious weeds and invasive plants to be eradicated from rights-of-way. Jerame Brown, branch manager; Wayne Burd, assistant director of operations; Jon Johnson, assistant general counsel; Larisa Plecha, staff attorney III; Mark McCoy, engineering assistant; and Ricky Sizemore, branch manager, represented the department.

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

Traffic

603 KAR 5:360. Transportation Cabinet use of interstate and parkway signs to locate missing persons.

In response to questions by Representative Frazier Gordon, Mr. Burd stated that the Amended After Comments version of this administrative regulation added flexibility regarding who could request sign posting related to a missing person. A missing person sign was posted for four hours; however, there was an option to request an extension after four hours. Mr. Johnson stated that leaving a missing person posting too long could mean that other missing person postings would not be possible. Mr. Brown stated that there were less than 40 interstate devices and that a missing person message would go up on all boards.

In response to questions by Co-Chair Hale, Ms. Plecha stated that, after four hours of posting, a request for the posting to continue could be submitted.

Representative Frazier Gordon stated that there should be a way to extend posting before the four hours ends, especially if the posting was during overnight hours.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY,

FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 2 to expand the reporting requirements. Without objection, and with agreement of the agency, the amendments were approved.

Billboards

603 KAR 10:011E. Repeal of 603 KAR 010:002, 010:010, and 010:021.

603 KAR 10:040E. Advertising devices.

603 KAR 10:040. Advertising devices.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, 6, 8, and 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

KENTUCKY BOARD OF EDUCATION: Department of Education: School Terms, Attendance, and Operation

702 KAR 7:125. Pupil attendance. Todd Allen, general counsel, and Matt Ross, executive advisor, represented the department.

In response to questions by Senator Alvarado, Mr. Allen stated that this administrative regulation had been filed as an emergency before the 2021 Special Session of the General Assembly. That session provided funding; therefore, the emergency version was withdrawn. This ordinary administrative regulation remained, due to a data component.

In response to a question by Co-Chair West, Mr. Allen stated that pupil attendance was generally based on the SEEK formula; however, pursuant to Senate Bill 1 from the 2021 Special Session of the General Assembly, attendance was temporarily based on the previous year's data.

KENTUCKY STATE UNIVERSITY: Board of Regents

745 KAR 1:035. Procurement procedures. Lisa Lang, general counsel, represented the board.

In response to questions by Co-Chair West, Ms. Lang stated that the purpose of this administrative regulation was to align KSU's procurement procedures with the authorizing statute, which had changed formatting. There was no substantive change to procurement procedures themselves. The authorizing statute that changed formatting applied to all universities.

In response to a question by Representative Frazier Gordon, Ms. Lang stated that she was not prepared to discuss the procurement procedures themselves, but just this administrative regulation.

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

LABOR CABINET: Department of Workers' Claims

803 KAR 25:305E. Workers' compensation expedited hearings pursuant to occupational exposure to COVID-19. Sam Flynn, general counsel; Dale Hamblin, assistant general counsel; and Robert Walker, commissioner, represented the department.

In response to a question by Senator Alvarado, Mr. Walker stated that this administrative regulation was filed as an emergency to comply with an Executive Order that was extended during the 2021 Special Session of the General Assembly and because an ordinary administrative regulation would not be in place in time to expedite hearings.

In response to questions by Co-Chair West, Mr. Walker stated that this administrative regulation was not affected by the liability waiver passed by the General Assembly.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:212. In-State Distilled Spirits Supplier License. Joshua Newton, general counsel, and Allyson Taylor, commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

804 KAR 4:251. Special temporary licenses.

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

804 KAR 4:480. License surrender.

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

Department of Insurance: Kinds of Insurance; Limits of Risk; Reinsurance

806 KAR 5:025. Credit for reinsurance. Abigail Gall, regulation coordinator; Shaun Orme, executive advisor; and Chad Thompson, general counsel, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 3, 5 through 8, 10, 11, 13, 14, and 16 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Kentucky Horse Racing Commission: Standardbred Racing

810 KAR 5:030. Claiming races. Shan Dutta, deputy general counsel; Tim Schmitz, Chief Standardbred Judge; and Jennifer Wolsing, general counsel, represented the commission.

810 KAR 5:060. Entries and starters.

810 KAR 5:070. Running of the race.

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

902 KAR 2:020. Reportable disease surveillance. Julie Brooks, regulation coordinator; Andrea Flinchum, contract supervisor; Kelli Rodman, executive director; and Dr. Steven Stack, commissioner, represented the department.

902 KAR 2:230E. COVID-19 antibody administration center.

902 KAR 2:240E. COVID-19 test acquisition and distribution.

A motion was made and seconded to approve the following amendment: to amend Section 2 to make a correction. Without objection, and with agreement of the agency, the amendment was approved.

902 KAR 2:250E. COVID-19 vaccine storage.

Department for Medicaid Services: Medicaid Services

907 KAR 1:030. Home health agency services. Lisa Lee, deputy commissioner, represented the department.

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

907 KAR 1:604. Cost-sharing prohibited within the Medicaid program

Hospital Services Coverage and Reimbursement

907 KAR 10:815. Per Diem inpatient hospital reimbursement.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 17, and 23 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 10:830. Acute care inpatient hospital reimbursement.

Department for Community Based Services: Protection and Permanency

922 KAR 1:565. Service array for a relative or fictive kin caregiver. Laura Begin, regulation coordinator, and Kelli Rodman, executive director, represented the department.

The following administrative regulations were deferred or removed from the December 9, 2021, subcommittee agenda:

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

PERSONNEL CABINET: Personnel Board

101 KAR 1:335. Employee actions.

101 KAR 1:345. Disciplinary actions.

101 KAR 1:365. Appeal and hearing procedures.

101 KAR 1:367. Standards of conduct and technology governing recording board proceedings.

101 KAR 1:375. Employee grievances and

complaints.	201 KAR 42:020. Fees.	JUSTICE AND SAFETY CABINET: Department of State Police: Driver Training
101 KAR 1:395. Restoration from military duty.	201 KAR 42:030. Licensee's change of name, home address, or place of business.	502 KAR 10:010. Definitions.
101 KAR 1:400. Promotion.		
Kentucky Retirement Systems: General Rules	201 KAR 42:035. Application process, exam, and curriculum requirements.	502 KAR 10:020. Department facilities; facility inspection; conflict of interest.
105 KAR 1:210. Disability procedures.	201 KAR 42:040. Renewal and reinstatement.	502 KAR 10:030. Instructor's license.
105 KAR 1:310. Fred Capps Memorial Act.	201 KAR 42:050. Complaint procedure and disciplinary action.	502 KAR 10:035. Commercial driver's license skill testing.
105 KAR 1:330. Purchase of service credit.		
BOARDS AND COMMISSIONS: Board of Pharmacy	201 KAR 42:060. Code of ethics and standards of practice for massage therapists.	502 KAR 10:040. Training school facilities.
		502 KAR 10:050. Contracts and agreements.
201 KAR 2:430. Emergency orders and hearings.	201 KAR 42:070. Endorsement.	502 KAR 10:060. School advertising.
Board of Cosmetology	201 KAR 42:110. Continuing education requirements.	502 KAR 10:070. Training vehicle, annual inspection.
201 KAR 12:082E. Education requirements and school administration.	TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game	502 KAR 10:080. License suspension, revocation, denial.
Board of Embalmers and Funeral Directors	301 KAR 2:082. Transportation and holding of live exotic wildlife.	502 KAR 10:090. Procedure for denial, suspension, nonrenewal or revocation hearings.
201 KAR 15:030E. Fees.	Hunting and Fishing	
201 KAR 15:030. Fees.		502 KAR 10:110. Third-party CDL skills test examiner standards.
201 KAR 15:040. Examination.	301 KAR 3:010. Public use of Wildlife Management Areas.	502 KAR 10:120. Hazardous materials endorsement requirements.
201 KAR 15:050. Apprenticeship and supervision requirements.	301 KAR 3:026. Access to Wildlife Management Areas for mobility-impaired individuals.	Concealed Deadly Weapons
201 KAR 15:110. Funeral establishment criteria.	Wildlife	
201 KAR 15:125. Surface transportation permit.	301 KAR 4:001. Selection of Fish and Wildlife Resources Commission nominees.	502 KAR 11:010. Application for license to carry concealed deadly weapon.
Board of Nursing		502 KAR 11:060. License denial and reconsideration process.
201 KAR 20:471. Repeal of 201 KAR 020:470.	301 KAR 4:010. Districts.	
201 KAR 20:472. Initial approval for dialysis technician training programs.	301 KAR 4:020. Ballard Wildlife Management Area restrictions.	502 KAR 11:070. License revocation and suspension notice and reinstatement process.
201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.	301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.	Law Enforcement Officers Safety Act of 2004
201 KAR 20:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.	301 KAR 4:110. Administration of drugs to wildlife.	502 KAR 13:010. Application for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.
	Licensing	
201 KAR 20:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.	301 KAR 5:001. Definitions for 301 KAR Chapter 5.	502 KAR 13:030. Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.
Board of Licensure for Massage Therapy	301 KAR 5:030. Purchasing licenses and permits.	
201 KAR 42:010. Goals for massage therapy sessions.	301 KAR 5:100. Interstate Wildlife Violators Compact.	502 KAR 13:040. Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act

of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.	related to missing children.	725 KAR 2:080. Interstate Library Compact.
502 KAR 13:050. Replacement of licenses to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.	Candidate Selection	Department of Workforce Investment: Office of Vocational Rehabilitation
502 KAR 13:060. Change of personal information regarding certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.	502 KAR 45:005. Definitions.	781 KAR 1:010. Office of Vocational Rehabilitation appeal procedures.
502 KAR 13:080. Incomplete application for certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.	502 KAR 45:015. Qualifications.	781 KAR 1:020. General provisions for operation of the Office of Vocational Rehabilitation.
General Traffic	502 KAR 45:035. Application and selection process.	781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.
502 KAR 15:010. Traffic collision.	502 KAR 45:045. Aptitude examination.	781 KAR 1:040. Rehabilitation technology services.
502 KAR 15:020. Abandoned vehicles.	502 KAR 45:075. Register.	781 KAR 1:050. Carl D. Perkins Vocational Training Center.
Criminal History Record Information System	502 KAR 45:085. Medical examination.	Office for the Blind
502 KAR 30:010. Criminal History Record Information System.	502 KAR 45:105. Appointment.	782 KAR 1:010. Kentucky Business Enterprises.
502 KAR 30:020. Arrest and disposition reporting procedure.	502 KAR 45:115. Appeals.	782 KAR 1:070. Certified driver training program.
502 KAR 30:030. Audit of Criminal History Record Information System.	502 KAR 45:150. Physical Fitness Test (PFT).	Kentucky Commission on Proprietary Education
502 KAR 30:050. Security of centralized criminal history record information.	TRANSPORTATION CABINET: Department of Highways: Right-of-way	791 KAR 1:010. Applications, permits, and renewals.
502 KAR 30:060. Dissemination of criminal history record information.	603 KAR 4:035. Logo sign panels; placement along fully controlled and partially controlled access highways.	791 KAR 1:020. Standards for licensure.
502 KAR 30:070. Inspection of criminal history record information by record subject.	EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: General Administration	791 KAR 1:025. Fees.
Kentucky Missing Child Information Center	702 KAR 1:191. District Employee Quarantine Leave.	791 KAR 1:027. School record keeping requirements.
502 KAR 35:010. Definitions.	Department for Libraries and Archives: Archives	791 KAR 1:030. Procedures for hearings.
502 KAR 35:020. Capabilities of the Missing Child Information Center computer system.	725 KAR 1:010. Records officers; duties.	791 KAR 1:035. Student protection fund.
502 KAR 35:030. Quality of information reported to the Kentucky Missing Child Information Center.	725 KAR 1:020. Recording and reproducing public records.	791 KAR 1:040. Commercial driver license training school curriculum and refresher course.
502 KAR 35:040. Reporting of missing children by law enforcement agencies.	725 KAR 1:025. Transfer of public records.	791 KAR 1:050. Application for license for commercial driver license training school.
502 KAR 35:050. Statistical analysis of information	725 KAR 1:030. Scheduling public records for retention and disposal; procedures.	791 KAR 1:060. Application for renewal of license for commercial driver license training school.
	725 KAR 01:040. Collection and distribution of reports and publications.	791 KAR 1:070. Commercial driver license training school instructor and agency application and renewal procedures.
	725 KAR 1:050. Records management program.	791 KAR 1:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.
	725 KAR 1:061. Records retention schedules; authorized schedules.	
	Libraries	
	725 KAR 2:015. Public library facilities construction.	

791 KAR 1:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 1:150. Bond requirements for agents and schools.

791 KAR 1:155. School closing process.

791 KAR 1:160. Transfer of ownership, change of location, change of name, revision of existing programs.

LABOR CABINET: Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 1:005. Employer-employee relationship.

803 KAR 1:025. Equal pay provisions, meaning and application.

Labor Standards; Wages and Hours

803 KAR 1:060. Overtime pay requirements.

803 KAR 1:063. Trading time.

803 KAR 1:065. Hours worked.

803 KAR 1:066. Recordkeeping requirements.

803 KAR 1:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 1:075. Exclusions from minimum wage and overtime.

803 KAR 1:080. Board, lodging, gratuities and other allowances.

803 KAR 1:090. Workers with disabilities and work activity centers' employee's wages.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:221. Alternating proprietorship agreements.

Department of Insurance: Health Insurance Contracts

806 KAR 17:350. Life insurance and managed care.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Telehealth Services: Telehealth

900 KAR 12:005. Telehealth terminology and requirements. Kim Minter, staff assistant; Kelli Rodman, executive director; and Donna Veno, division director, represented the office.

In response to questions by Senator Alvarado, Ms. Veno stated protocols for an emergent situation included that a provider obtain the location and contact information for the patient. The provider would then use that information to contact emergency services if necessary. Ms. Rodman stated that to add further specificity to these protocols, the office would need to work in coordination with the appropriate licensure boards.

Senator Alvarado stated that Kentucky was ranked as the highest state in terms of medical liability. This protocol would add further liability concerns for providers and might stifle the use of telehealth. Additionally, there were questions as to exactly what constituted telehealth. For example, would a message left on a provider's voicemail constitute telehealth and create a liability concern related to voicemail?

In response to a question by Co-Chair West, Ms. Rodman stated that this administrative regulation had an accompanying emergency administrative regulation, which was filed in order to include telehealth terminology in the insurance packets for the 2022 plan year.

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

In response to a question by Co-Chair West, Ms. Veno stated that the office would agree to defer this administrative regulation because there was no federal funding that would be negatively impacted by deferral. A motion was made and seconded to defer consideration of this administrative regulation, as amended, to the January 10, 2022, meeting of this subcommittee. Without objection, and with agreement of the agency, the deferral was approved.

Department for Public Health: Sanitation

902 KAR 10:120. Kentucky public swimming and bathing facilities.

902 KAR 10:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

902 KAR 10:190. Splash pads operated by local governments.

Health Services and Facilities

902 KAR 20:081. Operations and services; home health agencies.

902 KAR 20:460E. Essential visitor programs; visitation guidelines for long-term care facilities.

Office of Inspector General: Division of Health Care

906 KAR 1:180. Operation and services; personal services agencies.

Department for Medicaid Services: Medicaid Services

907 KAR 1:005. Nonduplication of payments.

Outpatient Pharmacy Program

907 KAR 23:020. Reimbursement for outpatient drugs.

Department for Aging and Independent Living: Office of Dementia Services

910 KAR 4:010. Alzheimer's and dementia services curriculum review and approval.

The subcommittee adjourned at 3:10 p.m. The next meeting of this subcommittee was tentatively scheduled for January 10, 2022, at 1 p.m.

EDUCATION ASSESSMENT AND ACCOUNTABILITY REVIEW SUBCOMMITTEE

Minutes of November 15, 2021 Meeting

Call to Order and Roll Call

A meeting of the Education Assessment and Accountability Review Subcommittee was held on Monday, November 15, 2021, at 3:00 PM, in Room 129 of the Capitol Annex. Senator Max Wise, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Max Wise, Co-Chair; Representative Brandon Reed, Co-Chair; Senators Gerald A. Neal and Mike Wilson; Representatives Tina Bojanowski and Steve Riley.

LRC Staff: Lauren Busch and Christal White.

On a motion by Representative Reed and a second by Senator Wise, the minutes of the October 5, 2021 meeting were approved by voice vote.

Presentation from Snow-Bound Pilot to Statewide Implementation: Lessons Learned from Kentucky's Nontraditional (Remote) Instruction Program. 2012-2021

Dr. Bart Liguori, Dr. Deborah Nelson, and Chris Riley of the Office of Education Accountability (OEA) were present to discuss the OEA report on Kentucky's Non-Traditional Instruction (NTI)

program. The report compares the NTI program as it was originally implemented (PRE-COVID NTI) to the program as modified during the COVID-19 pandemic (COVID-19 era NTI).

Dr. Deborah Nelson began the presentation by stating that NTI began as an innovative program that was effective in achieving key program goals with no apparent impact on student achievement. Dr. Nelson noted that prior to the COVID-19 pandemic, the NTI program was limited to up to 10 days per year. However, during the COVID-19 pandemic the NTI program was temporarily expanded to permit unlimited remote learning. The extended remote learning permitted during this time was associated with negative academic outcomes in 2021. Dr. Nelson cautioned that the effects of remote learning, versus other factors impacting students during the COVID-19 pandemic, are unclear.

Dr. Nelson briefly outlined the history of the NTI program. The General Assembly created the NTI program in 2011. Several districts entered the program during subsequent years due to frequent weather interruptions. Eventually, the General Assembly extended program eligibility to all districts. In 2018 the General Assembly added oversight and reporting requirements for NTI instruction. In 2020, due to the COVID-19 pandemic, all districts were permitted to enter the NTI program with an unlimited extension. However, in 2021 the 10-day limit that existed prior to the COVID-19 pandemic was reinstated.

Dr. Nelson stated that it is the recommendation of OEA that the General Assembly consider amending KRS 158.070 (9) to allow for continuation of learning for students in individual schools or other units that are closed for in-person instruction because of health or safety reasons on days when it is not necessary to close the entire district. Statute requires that NTI be provided only when the entire district is closed for health or safety reasons. COVID-era NTI allowed closure in individual schools versus district closures. This flexibility offers potential advantages in the future, as districts lack the authority to require remote learning when individual schools are closed. For that reason, OEA recommends the General Assembly consider permitting NTI for individual schools when other schools within the district remain open.

Dr. Nelson presented that Illinois, Indiana, Ohio, and West Virginia used NTI-like programs prior to the COVID-19 pandemic. As in Kentucky, those states required state approval of district plans. With the exception of Indiana, Kentucky allowed a greater number of NTI days than surrounding states. However, Kentucky was the only state that requires additional oversight beyond approval of plans. In Kentucky, districts must submit documentation for each NTI day as it is taken. This documentation includes district-level teacher and student participation data. KDE approves each day one at a time. Additional documentation must be collected and may be required for review during district audits.

Chris Riley continued the presentation with a section that discussed weather closures for the 2011 to 2019 school years. This portion of the report compared NTI districts to districts that did not participate in the NTI program as of 2019. The report included a map that provides perspectives on weather closures by district. Twenty-three Eastern Kentucky districts had the highest average weather closures during that time period, with an average of 13 to 20 weather closures per school year. While NTI districts are in all regions of the state, some high-weather districts had not yet joined the NTI program as of 2019, when some lower weather districts entered the program. NTI districts used a mixture of weather and NTI days each year to meet annual instructional hour requirements. On average, NTI districts used 5.4 of the 10 NTI days permitted per year between 2011 and 2019.

Chris Riley summarized the impact of the COVID-19 pandemic on districts' participation in the NTI program. When all districts required closure and entered the NTI program, hybrid days allowed some students to continue in-person learning while other students learned remotely. The percent of instructional days for each district were reported and individual students learned remotely at both lower and higher rates. An average of 68 percent of instructional days were remote and remote instruction rates ranged broadly from a low of 10 percent to a high of 93 percent. Districts with higher remote rates included many rural districts in addition to Jefferson County. The average percentage of students living in poverty was greater in urban versus remote districts.

Mr. Riley shifted the presentation to a discussion on attendance and student participation. Student participation data for NTI days is substituted for normal attendance. Student participation is measured by performance-based metrics, such as student work or software log in. The participation rate for the 2021 school year was 93 percent compared with an attendance rate of 94 for the 2019 school year. The chronic absenteeism rate was 19 percent in the 2019 school year for all students and increased slightly to 22 percent for the 2021 school year. However, chronic absenteeism rates nearly doubled from 2019 to 2021 for black, Hispanic, and Limited English Proficiency (LEP) students. The highest poverty schools also experienced disproportionate impacts on student achievement in 2021 because student-level participation data revealed important patterns not evident in aggregate data. Each district uses its own method and software to record and report student participation data. OEA recommends standardizing the method of measuring student participation so that districts can be accurately compared.

Dr. Nelson continued the report by summarizing technological advances since the NTI program was implemented. NTI days, initially based primarily on paper packets, became predominantly digital in middle and high schools in 2020. Most elementary schools continued using paper packets. Many districts

acquired learning management systems by 2020, web-based systems linking teachers and students with their assignments. The systems have become increasingly sophisticated in capturing and storing data on student work and engagement.

Dr. Nelson stated that students' lack of access to home internet remained a challenge. Eighty four percent of students statewide had strong internet access, an increase from the beginning of the NTI program; seven districts reported 90 to 96 percent of students had access; 12 districts reported 60 or fewer students without home internet access, and the majority of districts had at least 10 percent of students that lacked internet access. On average, internet and device access was lower in high poverty districts. During the COVID-19 crisis, districts received an unprecedented influx of federal funds to assist families with internet connection and mobile devices.

Dr. Nelson presented that KDE data indicates 98 percent of students had access at an internet location outside the school campus in 2021 but data on student home access was not collected during the same year. KDE began requiring systematic data collection this school year. OEA recommends that the department continue to require systematic data collection related to technology.

Dr. Nelson stated that the increase in student home access in the 2021 school year led to expansions and remote instructional options, especially synchronous instruction. Synchronous instruction was rare in NTI prior to the pandemic. However, in the 2021 school year, 94 percent of elementary students, 88 percent of middle school students, and 75 percent of high school students reported some amount of synchronous instruction. However, the amount of synchronous instruction offered varied greatly across the state. OEA recommended that KDE establish minimum recommendations for the amount of synchronous instruction that should be offered to students on NTI days.

Dr. Nelson stated that OEA recommends that KDE consider the requirement of an established guideline for minimum instructional hour equivalents for remote participation criteria, require daily verification of participation by certified school staff, and conduct annual participation data reviews in select districts. Future OEA considerations for KDE's oversight and district reporting requirement include: (1) a closer review of participation data which offers greater insights than the current process of reviewing aggregate district data for each NTI day; (2) quality of data that can't be evaluated in aggregate; and (3) take steps to address participation data issues by considering whether districts daily NTI-day documentation, submission, and KDE approval of individuals NTI is necessary. Dr. Nelson also stated that the General Assembly may consider amending KRS 158.070(9) to establish a standard number of instructional hours that can be granted for each NTI student attendance day.

Dr. Nelson shifted the presentation to academic

outcomes. OEA staff analyzed 2018 reading and mathematics scores of students in NTI and non-NTI districts. This review accounted for prior performance, total numbers of weather days and NTI days, years in NTI participation, and a variety of student demographic characteristics. While the quality of PRE-COVID NTI days likely varied, overall, OEA found no significant and substantial effects of NTI days on student performance. However, higher remote learning days were associated with drops in student performance during the 2021 school year.

Dr. Nelson stated that the overall conclusion is pre-COVID NTI achieved key program goals with no evidence of negative effects on student achievement. COVID-era NTI may offer important lessons on paying closer attention to participation data and sustaining availability of synchronous instruction.

On a question from Senator Wise, Dr. Nelson said rural areas face significant challenges of internet availability but also underprivileged students in urban areas often cannot afford the cost of connectivity. She said funds provided by the federal government during the pandemic to address this issue may be unavailable in the future.

Responding to Senator Wise's point, Representative Bojanowski said families with multiple children shared a single device, preventing simultaneous access to learning. As a teacher, she said staff was directed to count attendance based on a student turning in a document, logging into a google meet, or being responsive to texts. While in-person learning is crucial, she said clarification for student attendance calculations must be addressed should the need arise due for school closure due to pandemic reasons.

On a motion by Representative Reed and a second by Senator Wilson, the OEA report was accepted by voice vote.

Office of Education Accountability 2022 Research Agenda

Pursuant to KRS 7.410, the Education Assessment and Accountability Review Subcommittee (EAARS) adopts an annual research agenda for the Office of Education Accountability (OEA). The annual agenda may include studies, research, and investigations considered to be significant by the EAARS. In addition to the two studies below, OEA shall also prepare the annual District Data Profiles, a one-stop source of comprehensive district-level education data, including comparative data for all districts.

2022 Approved Study Topics

Review of School Funding Adequacy Studies

This study will review the most recent studies measuring the cost of an adequate public education in Kentucky and similar states. It will focus on the methods used in those studies, the outcomes of those studies, and the costs associated with educating special student populations.

In addition to the study, OEA will produce a

memorandum detailing which states use membership in their school funding calculations, the manner in which membership is determined, and the estimated costs of using membership in the SEEK calculation instead of average adjusted daily attendance. This memorandum will be submitted in writing to the EAARS by February 1, 2022.

Credit Recovery

This study will examine the use of credit recovery in Kentucky schools and districts and the extent to which credit recovery is used at the state, regional, and district level. This study will include an examination of the types of credit recovery methods used, the impact of credit recovery on graduation rates, and which students are most impacted by credit recovery.

On a motion by Representative Reed and a second by Representative Bojanowski, the OEA Study Agenda was adopted by voice vote.

There being no further business on today's agenda, the meeting was adjourned at 10:50 a.m.

MEDICAID OVERSIGHT AND ADVISORY COMMITTEE

Minutes of the Meeting

of the 2021 Interim

November 30, 2021

Call to Order and Roll Call

The meeting of the Medicaid Oversight and Advisory Committee was held on Tuesday, November 30, 2021, at 1:00 PM, in Room 171 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

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

Guests: Lisa Lee, Commissioner, Veronica Judy-Cecil, Deputy Commissioner, Department for Medicaid Services (DMS), Cabinet for Health and Family Services (CHFS); Vickie Brown Glisson, Attorney, VYBG Consulting, PLLC; Matthew Carr, Attorney, Frost, Brown, Todd Attorneys; Melissa Eddleman Behavioral Health and Managed Care Section Manager, Delivery System and Payment Innovation Division, Colorado Department of Health Care Policy and Financing; Mark Queirolo, Special Projects Supervisor, Colorado Department of Health Care Policy and Financing; Jason McGill, Assistant Director, Washington State Health Care Authority; and Frank Persinger, Account General Manager, Gainwell Technologies.

LRC Staff: Chris Joffrion, Hillary Abbott, and Samir Nasir.

Approval of Minutes

A motion to approve the October 26, 2021, minutes was made by Senator Alvarado, seconded by Representative Prunty, and approved by a voice vote.

Assisted Living

Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, presented a background on housing and the Kentucky Medicaid program, discussed the possible uses for American Rescue Plan Act (ARPA) funds, and how other states accommodate and classify assisted living facilities in their state Medicaid plans.

In response to questions and comments from Senator Meredith, Commissioner Lee stated that the time frame to get a plan approved by Centers for Medicare and Medicaid Services (CMS) depends on the type of plan being submitted. State plan amendments and 1115(c) waivers have different time frames.

In response to questions and comments from Representative Prunty, Commissioner Lee stated that savings from a new classification and coverage of assisted living facilities would not be seen for several years.

In response to questions and comments from Senator Carroll, Commissioner Lee stated that DMS wants to ensure no duplication of services by clearly identifying for providers what services will be covered by assisted living. Commissioner Lee stated that finding assisted living providers will be one way that DMS can learn to expand options without limiting them for participants.

In response to questions and comments from Senator Alvarado, Commissioner Lee stated that there is funding and support for an assisted living pilot program and a program could be designed.

Vickie Yates Glisson, Attorney, VYBG Consulting, PLLC presented an overview of the Indiana model for Medicaid assisted living and discussed the benefits for incorporating a similar model in Kentucky. Ms. Yates Glisson stated that states must establish full compliance with CMS's "Settings Rule" by March 17, 2023. Ms. Yates Glisson stated that the Setting Rule requires states that receive a federal match for waiver services to demonstrate that individuals are receiving services in the most appropriate setting. Matthew Carr, Attorney, Frost, Brown, and Todd, stated that currently, Kentucky would not be considered compliant with CMS' settings rule without incorporating assisted living into Kentucky's waiver services.

In response to questions and comments from Representative Prunty, Ms. Yates Glisson stated that in Indiana, nursing home care costs \$201 per day while their Medicaid waiver assisted living pay structure is broken down into tiers based on the level of care required. Mr. Carr stated that tier one which is basic assisted living is \$75 per day, tier two which is more skilled nursing assisted living is \$83 per day, and tier three which would deal with medically complicated issues such as memory care costs \$96 per day. Ms.

Yates Glisson added that the savings is evident.

Alternative Approaches to the Delivery of Medicaid Services

Melissa Eddleman, Behavioral Health and Managed Care Section Manager, Delivery System and Payment Innovation Division, Colorado Department of Health Care Policy and Financing, and Mark Queirolo, Special Projects Supervisor, Colorado Department of Health Care Policy and Financing, discussed Colorado's Medicaid delivery model and use of accountable care collaborative. Mr. Queirolo stated that the goal of this alternative Medicaid delivery model is to improve member health and lower costs through joining physical and behavioral health under one accountable entity, a strong coordination of care, more member choice and engagement, and accountability and transparency. Ms. Eddleman stated that one key difference with managed care (MCO) and Colorado's model is the efficiency of enrollment; state Medicaid regional accountable entities (RAE) help ensure the physical and behavioral health care is achieved in tandem, members are enrolled immediately upon eligibility determination, and their provider network is based upon their geographic location with the exception of non-participating regions of the state. Mr. Queirolo stated that judging by key performance indicators and the medical loss ratio of 89 percent, the performance of the accountable care collaborative is currently slightly above that of a managed care option but over time, more savings and Colorado's Medicaid population's quality of health metrics improvement are expected.

In response to questions and comments from Senator Meredith, Mr. Queirolo states that the carve-out for regions that participate in MCOs is due to a disagreement over rate setting and politics.

Jason McGill, Assistant Director, Washington State Health Care Authority, stated that Washington's Medicaid delivery model is a managed care model which works in tandem with the state's accountable communities of health (ACHs) which are regional, community-oriented, equity focused organizations that help engage member participation and fill gaps that are related to social determinants of health. Mr. McGill stated that provider network adequacy remains a critical component of the success of a managed care plan. Mr. McGill stated that Washington will need to revisit the procurement process to maintain savings, ensure more transparency, and redefine goals and vision that change overtime.

In response to questions and comments from Senator Meredith, Mr. McGill stated while the quality of health of the state of Washington has not drastically improved under MCOs, he does not believe it is the responsibility of the MCOs to improve the health but instead to be the delivery and biller of services.

A Technological Solution for Improving Health Outcomes and Increasing Operational Efficacies in Medicaid

Frank Persinger, Account General Manager, Gainwell Technologies, presented an overview of Gainwell's Medicaid claim processing systems and how they are used in other states. Mr. Persinger stated that Gainwell's Population Health Management (PHM) technology is incorporated into Gainwell's Medicaid claims processing software and helps improve clinical health outcomes through improved care coordination and whole participant patient profiles attached to the claim.

Mr. Persinger stated that Gainwell's Social Determinants of Health (SDoH) model technology works in tandem with Gainwell's claims processing software to include needs assessment reminders for clinicians and generates referrals for clients based on needs determined in their clinical profile which helps lead to greater member engagement and better health outcomes for the Medicaid population being served. Mr. Persinger stated that ARPA funds can be used to setup both technology models and the operation of Gainwell's software can be funded through MCO capitation rates. Mr. Persinger stated that Gainwell's technology currently serves clients in 49 states and two territories.

In response to questions and comments from Senator Meredith, Mr. Persinger stated that in Tennessee where Gainwell works with their MCOs, they have seen positive results from the SDoH model and greater accountability for the claims process than prior to the utilization of Gainwell. Mr. Persinger stated that for the SDoH model to be successful there has to be a provider pool so referrals can be made.

In response to questions and comments from Representative Prunty, Mr. Persinger stated that the return on investment depends on the model but all clients have reported savings after utilization of the software.

Adjournment

There being no further business, the meeting was adjourned at 3:32 p.m.

PUBLIC PENSION OVERSIGHT BOARD

Minutes of the 9th Meeting of the 2021 Interim

November 22, 2021

Call to Order and Roll Call

The 9th meeting of the Public Pension Oversight Board was held on Monday, November 22, 2021, at 3:00 PM, in Room 154 of the Capitol Annex. Representative Jim DuPlessis, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Jim DuPlessis, Co-Chair; Senators

Robby Mills, Gerald A. Neal, Dennis Parrett, and Mike Wilson; Representatives Derrick Graham, Jerry T. Miller, Jason Petrie, James Tipton, Russell Webber, and Buddy Wheatley; John Hicks, and Sharon Mattingly.

Guests: Bo Cracraft, Executive Director, Judicial Form Retirement System; David Eager, Executive Director, Erin Surratt, Executive Director of Benefits, Kentucky Public Pensions Authority; Danny White and Janie Shaw, GRS Consulting; and Beau Barnes, Deputy Executive Secretary and General Counsel, Teachers' Retirement System.

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

Representative DuPlessis recognized and welcomed Sarah Beth Gregory, Chief of Staff for the Auditor of Public Accounts, who was attending for Auditor Mike Harmon.

Approval of Minutes

Representative Tipton moved that the minutes of the October 19, 2021, meeting be approved. Senator Mills seconded the motion, and the minutes were approved without objection.

2021 Actuarial Valuation Update – Judicial Form Retirement System

Bo Cracraft, Judicial Form Retirement System, started his presentation with investment performance as of June 30, 2021. He reviewed the trailing performance for the fiscal-year-to-date, 1-, 3-, 5-, 10-, 20-year, and inception-to-date for defined benefit and cash balance plans for each of the Judicial Retirement Plan (JRP) and Legislators' Retirement Plan (LRP) as compared to benchmarks.

Mr. Cracraft discussed cash flow for the plans. He discussed cash inflows, cash outflows, net cash flow before asset gain/losses, realized/unrealized asset gains/losses, and change in net position for each plan as of June 30, 2021.

Next, Mr. Cracraft discussed the funding valuation results that were completed July 1, 2021. New assumptions were adopted as a result of an experience study conducted in October 2020, and approved in April 2021. Specifically, the mortality assumptions were changed; the investment return assumption for the hybrid cash balance tier of benefits was updated to 6.5 percent, which is the same as what is utilized for the legacy tier; and the two tiers of benefits were consolidated for actuarial purposes. Mr. Cracraft noted that half of the active membership in the LRP is now participating in the hybrid cash balance tier. He also discussed the pension and retiree health funding statistics and contribution levels for JRP and LRP. Funding levels for the JRP and LRP pension and retiree health funds improved, and the actuarially determined employer contribution (ADEC) declined, due to the positive asset gains. With the exception of the pension fund for the JRP, which is 95 percent funded, the other three funds are fully funded.

In response to a question from Representative Tipton, Mr. Cracraft stated it is accurate to say that, even though the General Assembly has chosen not to add funding to the LRP during the last two budget cycles, it has not negatively impacted the plan's situation due to the outsized investment returns over the last five years.

In response to a question from Representative DuPlessis, Mr. Cracraft stated that both retiree health funds have a zero ADEC request as a result of the current funding level. In response to a follow-up question regarding whether employee members should continue to pay the same rate into those funds, Mr. Cracraft stated the board's actuary had recently noted the overpayment issue in regards to the hybrid cash balance members. The issue is under active discussion by the board.

Lastly, Mr. Cracraft discussed JFRS housekeeping requests, which included: amending KRS 21.525 to revise the UAL amortization policy; amending KRS 21.540 to clarify the budget request process for administrative expenses; and providing technical cleanup for KRS Chapter 6 and 21.

2021 Actuarial Valuation Update – Kentucky Public Pensions Authority

David Eager, Kentucky Public Pensions Authority (KPPA), began his presentation by discussing the 2021 actuarial valuation results. For the fiscal year ending June 30, 2021, the investment returns were 21 to 25 percent on market value on the various funds. Additionally, there was \$902 million more than expected for Kentucky Employees Retirement System (KERS) and State Police Retirement System (SPRS) funds, with \$191 million in asset gains recognized this year via the asset smoothing method.

Mr. Eager stated that it is imperative to maintain or increase the contribution effort for the KERS non-hazardous retirement fund. As of June 30, 2021, the plan assets were \$3,019 million with \$1,030 million in benefit payments and administrative expenses in fiscal year 2021 and an actuarially determined employer contribution (ADEC) of \$1,129 million for fiscal year end 2023.

Mr. Eager discussed the active membership count for KERS non-hazardous. The count is down 4.8 percent with an average decrease of 4.3 percent over the last 10 years.

In response to a question from Representative DuPlessis, Mr. Eager agreed that, as a result of HB 8, there is now an incentive to hire and not outsource.

Mr. Eager discussed the pension and retiree health updated contribution rates for KERS and SPRS. The positive effects of HB 8 are, in part, demonstrated in the resulting modest reduction in rates.

Mr. Eager discussed the funding results for KERS nonhazardous pension fund from fiscal years 2020 to 2021. He stated that the actuarially accrued liability has declined from \$16,349 million to \$16,321

million with a corresponding rise in the actuarial value of assets. The unfunded liability has declined from \$14,026 million to \$13,585 million, and the funded ratio has increased from 14.2 percent to 16.8 percent. Mr. Eager distinguished the actuarial funded ratio from the GASB number of 18.5 percent, which reflects the market value. The funding results for SPRS unfunded pension liability went from \$757 million to \$730 million with the funding ratio going from 28.1 percent to 30.1 percent.

Mr. Eager discussed the projections for KERS non-hazardous pension and insurance funds from 2021 through 2048, contingent on meeting assumptions for unfunded liability, funded ratio, amortization cost, and normal cost.

Mr. Eager presented a sensitivity analysis for the discount rate and inflation rate for the KERS non-hazardous members. The results provided retirement, retiree health, and combined figures.

Mr. Eager discussed the County Employees Retirement System (CERS) valuation results. The fund experienced a 25 percent return on market value and produced an additional \$2,504 million in assets, with \$511 million in asset gains recognized this year via the asset smoothing method. Mr. Eager also presented the contribution rates and funded ratios for the CERS non-hazardous and hazardous plans.

In response to a comment from Representative DuPlessis regarding that it would be easier on the budget if the assumed rate of return was at 6.25 percent and not 5.25 percent, Mr. Eager stated more of a funded status would help before taking such a step.

Senator Higdon commented that, while the question of raising the assumed rate of return is certainly worth asking, he believes the current contributions are suitable and that the pensions are in a much better state than they were previously.

Mr. Eager discussed the contributions for all plans as of June 30, 2021. He said that all systems are positive, except CERS, which is still phasing in to the full contribution rate. He discussed contribution inflows, outflows, net contributions, and realized and unrealized gains.

Lastly, Mr. Eager discussed the investment performance and cash flow highlights for September 30, 2021. He stated that all 10 funds had positive returns, nine of which beat their plan index modestly, which is worth over \$44 million in additional assets. There was positive cash flow for most plans even before investment gains.

In response to a question from Representative Wheatley, Mr. Eager stated that the median trend for assumed rates of return is below 7 percent. Janie Shaw, GRS Consulting (GRS), stated that there is no doubt that the investment return assumption is certainly below the median of peers, but KERS non-hazardous is certainly in a unique situation. The trend associated with the investment return assumptions across the nation is definitely downward consistent with the advice of other consultants such as GRS. For KERS

non-hazardous, it is important to continue to maintain the current contributions to keep positive cash flow and to help maintain the increase in the funded ratio.

In response to a question from Representative DuPlessis regarding a change to the assumed rate of return as discussed, GRS reported that the amortization costs would decrease from \$994 million to \$921 million. However, changes to the assumption would carry increased risk in not meeting the assumptions.

Representative DuPlessis commented that he believes it is worth having a conversation concerning assumption rates. Mr. Eager added that GRS agrees.

Representative Miller cautioned the body against overly optimistic actions.

Erin Surratt, KPPA, stated that they have several housekeeping items, particularly relating to bills that passed last session that will need general clean up.

2021 Actuarial Valuation Update – Teachers' Retirement System

Beau Barnes, Teachers' Retirement System (TRS), began his presentation with investment performance for the retirement annuity trust as of June 30, 2021, reporting a fiscal year return of 29.59 percent. He reviewed the gross and net performance for fiscal-year-to-date, 1-, 3-, 5-, 10-, 20-year, and the 30-year returns for the fiscal year ending June 30, 2021 and the quarter ending September 30, 2021, respectively. He also reviewed the investment performance for the retiree health insurance trust on the quarter, 1-, 3-, 5-, and 10-year returns for the same periods.

Mr. Barnes reviewed cash flow for the pension funds comparing fiscal year 2021 to fiscal year 2020. He discussed the cash inflows, cash outflows, investment gains or losses, and the total net plan assets across both time periods. He explained that the investment income declined over the comparative period due in part to low interest rates and less dividends compared to gains as to investments.

Senator Higdon commented that he is always concerned about the negative cash flow.

In response to a question from Representative Miller, Mr. Barnes stated that investment income dropped \$100 million due mostly to fixed income bonds and interest rates, which were very low.

In response to a question from Representative DuPlessis, Mr. Barnes stated that TRS has lower administrative expenses than most other state pension plans. Mr. Barnes will update the board at a later date regarding investment expenses.

Mr. Barnes continued with the cash flow for the retiree health insurance fund comparing fiscal year 2021 to fiscal year 2020. He reviewed the cash inflows, cash outflows, investment gains or losses, and total net plan assets.

In response to a question from Senator Higdon, Mr. Barnes stated that with the structured shared responsibility under the retiree health insurance trust, TRS is getting healthy contributions coming in to the net cash flow.

Mr. Barnes discussed the cash flow update for the retirement annuity trust and retiree health insurance trust for the quarter ending September 30, 2021. He reviewed the cash inflows, cash outflows, investment gains or losses, and total net plan assets for each trust.

Mr. Barnes summarized the 2021 retirement annuity and health insurance valuations for the June 30, 2021 fiscal year, and compared those results to the June 30, 2020 fiscal year. The unfunded liability went from \$14.9 billion to \$17 billion for the retirement annuity trust and from \$1.1 billion to \$1.4 billion for the retiree health insurance trust. The funded ratios went from 58.4 percent to 57.2 percent for the retirement annuity trust and from 61.7 percent to 60 percent for the retiree health insurance trust. He noted that this valuation is the first reflection of the assumption changes from the recent 5 year experience study.

In response to a question from Senator Higdon, Mr. Barnes stated the liabilities have increased by \$4 billion. The primary assumption changes, reducing the assumed rate of return and changing the mortality tables, were responsible for over \$3 billion of the increase. Mr. Barnes noted that the system's assets did increase, but reminded the board members that investment returns are smoothed over a 5-year period. In this manner, smoothing is a good method to flatten the market peaks and valleys and provide consistency in budgets.

Mr. Barnes discussed the actuarial findings. TRS received 100 percent of the ADEC for the retirement annuity, the annuity trust increased by \$5.2 billion, and negative cash flow for 2021 as a percentage of assets was negative 3.79 percent. He also reviewed the actuarial experience gains/(loss) analysis.

In response to a question from Representative DuPlessis, Mr. Barnes stated that the assumption changes are recognized immediately, as well as the mortality tables, unlike the 5-year smoothing on returns. The contribution requests are not being recognized immediately, but will be phased in over a 5-year period.

Mr. Barnes discussed the 2022-2024 budget request. He reviewed annual expenditures, additional ADEC requested, the fixed statutory contribution through SEEK in the Kentucky Department of Education's (KDE) budget, and the state's expenditure for debt service. The total TRS budget request for fiscal year 2023 is \$843.2 million and for fiscal year 2024 is \$852.6 million. With the addition of the SEEK formula funding for school districts requested through the KDE budget, the total state's expenditure requested that would be directed to TRS is \$1.299 billion for fiscal year 2023 and \$1.301 billion for fiscal year 2024.

In response to a question from Senator Higdon, Mr. Barnes stated that budget requests are based on a fiscal year that has not happened yet, which means there are projections for future expenses that may be higher or lower during the year. In response to a follow-up, Mr. Barnes stated that decreasing

amortized payments reflected in the budget include the last remaining payments for the old cost of living adjustments that exceeded the statutory 1.5 percent and sick leave payments. In response to a follow-up, Mr. Barnes stated that the \$770 million ARC request has increased due to the green box dollars and the sick leave payments. In response to a follow-up, Mr. Barnes stated that there will continue to be increases with the ARC over the next 5 years as a result of the changes in the assumptions.

Legislative Proposals

Representative Miller discussed his legislative proposals. He began with BR 341, which proposes to: amend KRS 21.440, 61.670, 78.784, and 161.400 to require the LRP, the JRP, the Kentucky Retirement Systems, the CERS, and the TRS to perform an actuarial investigation of economic assumptions once every 2 years, rather than once every 5 years while retaining a review of demographic assumptions once every 5 years; amend KRS 78.784 to require the CERS to provide a projection/analysis over a 30-year period rather than a 20-year period regarding projections in the annual actuarial valuation and as it relates to experience studies, assumption changes, and other changes made by the boards of each system; and require the first actuarial investigation of economic assumptions to occur prior to the 2023 actuarial valuations for the systems. He requested that BR 341 be included in the PPOB's recommendations for 2022.

Secondly, he discussed BR 40, which proposes to amend KRS 61.598 to exempt from the anti-pension spiking provisions any overtime directly attributable to a local government emergency in which the Governor calls in the Kentucky National Guard and to make those amendments retroactive to May 30, 2020, and have the Act declared an EMERGENCY.

In response to a question from Representative Tipton, Representative Miller explained that BR 40 would be retroactive to May 30, 2020, when the Governor sent in the National Guard into Metro Louisville.

In response to comment from Representative DuPlessis, Representative Miller confirmed that, in order for the anti-spiking exception to be triggered, the Governor would have to call in the National Guard.

In response to a question from Representative Graham, Representative Miller stated that for those who have been retired since May 30, 2020, the bill would be retroactively applied to apply the anti-spiking exception and would adjust the benefits of the retirees accordingly.

In response to a question from Representative Wheatley, Representative Miller stated that as a result of BR 40, the Governor would either have to call a state of emergency or send in the National Guard in order for the anti-spiking exception to apply.

With no further business, the meeting was

adjourned.

TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE

Minutes of the 9th Meeting of the 2021 Interim

November 10, 2021

Call to Order and Roll Call

The 9th meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Wednesday, November 10, 2021, at 10:30 AM, in Room 129 of the Capitol Annex. Representative Myron Dossett, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator C.B. Embry Jr., Co-Chair; Representative Myron Dossett, Co-Chair; Senators Dennis Parrett, Robin L. Webb, and Whitney Westerfield; Representatives George Brown Jr., Kim King, Phillip Pratt, Brandon Reed, and Rachel Roberts.

Guests: Brian Lacefield, Executive Director, Kentucky Office of Agricultural Policy (KOAP); Bill McCloskey, Deputy Executive Director, KOAP; Amy Neal, Executive Director, Governor's Office of Early Childhood (GOEC); Dr. Sarah Vanover, Director, Division of Child Care, Department for Community Based Services, Cabinet for Health and Family Services (CHFS); Paula Goff, Early Childhood Development Branch, Department for Public Health (DPH), CHFS; and Elizabeth Goode, Director, Division of Prevention and Quality Improvement, DPH, CHFS.

LRC Staff: Stefan Kasacavage, Nathan Smith, Kelly Ludwig, and Rachel Hartley.

The minutes from the meeting of October 14, 2021, were approved by voice vote.

Kentucky Office of Agricultural Policy Report

Brian Lacefield stated \$500,000 in state funds were allocated to 21 counties in 2019. This ensured that all counties in Kentucky have at least \$30,000 in county funds.

Bill McCloskey described the Agricultural Development Board's projects for October under the program. Mr. McCloskey highlighted programs including the County Agricultural Investment Program (CAIP), Next Generation Farmer, and Youth Agriculture Incentives Program (YAIP).

The requested program amendments discussed included:

Adair County Cattlemen's Association requested an additional \$45,000 in Adair County funds for CAIP. The board recommended approval, which would bring the program total to \$217,675.

Adair County Cattlemen's Association requested an additional \$5,000 in Adair County

funds for YAIP. The board recommended approval, which would bring the program total to \$35,500.

Johnson County Agricultural Advancement Council requested an additional \$3,000 in Johnson County funds for CAIP. The board recommended approval, which would bring the program total to \$46,000.

The following were approved for funds through the On-Farm Energy Program:

Wilson Workman Farm in Hickman County was approved for \$10,150.

Lee's Plant Farms, Inc. in LaRue County was approved for \$10,150.

Pumpkin Vine Creek, LLC in Madison County was approved for \$2,520.

Tom and DeeAnn Bauerle in Marion County were approved for \$10,150.

William M. Keugel, Jr. in McLean County was approved for \$10,150.

Eddie Humphrey in Ohio County was approved for \$10,150.

Susana Lein in Rockcastle County was approved for \$2,650.

Lancaster Poultry in Webster County was approved for \$10,150.

Goldy's Meats Ltd. in Crittenden County was approved for \$30,426 in state funds for level two of the meat processing expansion program.

The projects discussed included:

Burnett's Enterprise, LLC was approved for \$238,599 in state funds, as a forgivable loan, to renovate its current processing facilities to become United States Department of Agriculture-certified and to purchase processing equipment.

The city of LaGrange was approved for up to \$245,000 in state funds and \$5,000 in Oldham County funds, as a cost-reimbursement grant, to aid in building a farmers market pavilion for its existing producers.

Hancock County Cattlemen's Association was approved for \$5,000 in Hancock County funds, as a grant, for a Hancock County Youth Agriculture Production Cost-Share Program.

The Kentucky Center for Agriculture and Rural Development, Inc. was approved for \$900,000 in state funds over two years, as a grant, to deliver technical assistance and provide educational opportunities to agricultural and rural businesses.

Kentucky State University was approved for \$990,000 in state funds over two years, as a grant, to aid in continuing to provide assistance and mini-grants to small-scale and underserved farmers statewide in the areas of aquaculture, value-added products, organics, food insecurity, farmer educational support, and agroforestry.

In response to Representative King, Mr. McCloskey

stated the approved funds for Kentucky State University are restricted funds.

Early Childhood Development

Amy Neal stated the Governor's Office of Early Childhood (GOEC) received \$25,604,700 in tobacco settlement funds for Fiscal Year 2022. The majority of the funds are used for the Child Care Program and Health Access Nurturing Development Services (HANDS).

There are significant improvements and opportunities to make in ensuring equitable access for children in their first five years. In 2020, Kentucky's infant mortality rate was 6.5 percent. It has decreased 0.2 percent since 2019; however, it is still higher than the national average of 5.8 percent. In 2020, 5.7 percent of pregnant woman received late or no prenatal care, which was below the national average of 6.2 percent. The overall findings in receiving late or no prenatal care hide the racial disparities in access with 5 percent of white women receiving late or no care, compared to 8.3 percent of African American women and 11 percent of Hispanic women. Kentucky is currently 46th for overall health of women and 41st for overall health of children in the United States.

Dr. Sarah Vanover stated the Division of Child Care (DCC) had budget expenditures of \$8,790,855 for Fiscal Year 2021, and the majority of the funds go directly to providers through quality incentives with Kentucky All Stars. The tobacco settlement funds are used as matching funds to receive the federal Child Care and Development Fund block grant.

In response to Representative King, Dr. Vanover stated most of the federal funding goes directly to subsidies.

Elizabeth Goode provided a brief overview of the Dental Fluoride Varnish Program, which received \$1,013,200 for Fiscal Year 2022. There are 34 health departments in Kentucky that are supported with the funds.

Paula Goff provided a brief overview of the Early Childhood Mental Health and Healthy Start programs, which received \$1,930,000 for Fiscal Year 2022. Ms. Goff also stated HANDS received \$7,000,000 for Fiscal Year 2022.

There being no further business, the meeting was adjourned.

TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE

Minutes of the 10th Meeting of the 2021 Interim

December 9, 2021

Call to Order and Roll Call

The 10th meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Thursday, December 9, 2021, at 10:30 AM, in Room

131 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 Myron Dossett, Co-Chair; Senators Dennis Parrett, Robin L. Webb, and Whitney Westerfield; Representatives Kim King, Phillip Pratt, Brandon Reed, and Rachel Roberts.

Guests: Brian Lacefield, Executive Director, Kentucky Office of Agricultural Policy (KOAP); Bill McCloskey, Deputy Executive Director, KOAP; Jason Chesney, M.D., Ph.D., Director, University of Louisville James Graham Brown Cancer Center (BCC); B. Mark Evers, M.D., Director, University of Kentucky Markey Cancer Center (MCC); Joe E. Springer, Ph.D., Interim Director, University of Kentucky Spinal Cord and Brain Injury Research Center; and Scott R. Whittemore, Ph.D., Director, University of Louisville Spinal Cord Injury Research Center.

LRC Staff: Stefan Kasacavage, Nathan Smith, Kelly Ludwig, and Rachel Hartley.

The minutes from the meeting of November 10, 2021, were approved by voice vote.

Kentucky Office of Agricultural Policy Report

Brian Lacefield stated the Agricultural Development Board approved guidelines for programs and projects for 2022 at its November meeting.

Bill McCloskey described the Agricultural Development Board's projects for November under the program. Mr. McCloskey highlighted programs including the County Agricultural Investment Program (CAIP), Next Generation Farmer, Shared-Use Equipment Program, and Youth Agriculture Incentives Program.

The following were approved for state funds through the On-Farm Water Management Program:

Sustainable Harvest Farm LLC in Laurel County was approved for \$10,000.

Jillian Nash (Nash Farms) in Washington County was approved for \$5,029.50.

The following project was discussed:

Kentucky State Beekeepers Association was approved for \$57,550 in state funds to help with the logistics of the Certified Kentucky Honey Program.

In response to Representative Pratt, Mr. Lacefield stated decreased availability of inputs and increased pricing are affecting farmers in Kentucky.

In response to Representative Dossett, Mr. Lacefield stated there has been a significant increase in the price of fertilizer.

Utilization of Tobacco Settlement Funds for Cancer Research

Jason Chesney, M.D., Ph.D., stated Kentucky is ground zero for cancer in the United States with 20,090 cancer deaths in 2020 and 2021.

The University of Louisville James Graham Brown

Cancer Center (BCC) receives \$3.4 million annually from the Master Settlement. The funding supports clinical trialists, research staff, drug development programs, and innovative cancer screening programs.

The national cancer death rate dropped by 30 percent in the last 30 years. The goal of BCC is to decrease cancer deaths by another 30 percent in the next five years by increasing and improving cancer screenings, developing novel targeted therapies, and conducting trials of immunotherapies.

Many common cancers can be detected with proven screening technologies, but there is low participation. BCC is working to increase cancer screening rates and to develop less invasive approaches to detect cancer.

B. Mark Evers, M.D., stated the mission of the University of Kentucky Markey Cancer Center (MCC) is to reduce cancer mortality through cancer research, treatment, education, and community engagement with a particular focus on the underserved population of Appalachian Kentucky.

Kentucky ranks first in cancer mortality, cancer incidence, and lung cancer mortality in the United

States. Six of the ten counties in the United States with the highest cancer death rates are in Kentucky. Kentucky has a very high mortality rate of colorectal and lung cancer.

MCC was awarded an initial designation by the National Cancer Institute (NCI) in 2013, and the designation was renewed in 2018. In 2022, MCC plans to apply for comprehensive status.

The Master Settlement has provided critical funding for cancer screenings, new recruitment and retention of cancer investigators, pilot funding for new cancer research projects, and funding for new clinical trials.

In response to Senator Embry, Dr. Evers stated there are currently 180 to 200 clinical cancer trials at MCC.

Utilization of Tobacco Settlement Funds for Spinal Cord and Brain Injury Research

Scott R. Whittemore, Ph.D., stated the University of Louisville Kentucky Spinal Cord Injury Research Center and the University of Kentucky Spinal Cord and Brain Injury Research Center receive funding through the Kentucky Spinal Cord and Head Injury Research Trust (KSCHIRT). KSCHIRT funds are

utilized to support trainees, visiting lecturers, the international symposium, and faculty development. The remainder of the funds support three year grant proposals. The KSCHIRT study section evaluates all grants and awards them solely on scientific merit.

The KSCHIRT revenues have decreased over the last decade due to a change in the distribution formula in 2010. Many of the outstanding grants are unfunded.

Joe E. Springer, Ph.D., discussed several clinical trials resulting from KSCHIRT funding and provided a brief overview of the African American Research Training Scholars Program.

KSCHIRT will require a sustainable level of funding similar to that received prior to 2010 to facilitate future discoveries and treatments, and to train the next generation of researchers.

Representative King expressed gratitude to Dr. Whittemore and Dr. Springer for their work.

There being no further business, the meeting was adjourned.





2022 Prefiled Bills

BR6 - Representative Ken Fleming
(12/9/2021)

AN ACT relating to economic fiscal matters. Create new sections of KRS Chapter 7A to establish the Tax Expenditure and Economic Development Incentive Review Board and specify the board's membership, authority, powers and duties; establish requirements for board meetings; establish requirements for when the General Assembly enacts new tax expenditures or economic development incentives; require agencies to assign taxpayers a unique number for purposes of reporting tax expenditures and economic development incentives; amend KRS 11.068 to require the annual production of a detailed estimate of the revenue loss resulting from each tax expenditure and economic development incentive from the general fund and road fund; amend KRS 131.020 to require the Department of Revenue to collect, report, and provide data to the Tax Expenditure and Economic Development Incentive Review Board; amend KRS 131.190 to allow the Department of Revenue to provide confidential data to the Tax Expenditure and Economic Development Incentive Review Board.
(Prefiled by the sponsor(s).)

BR12 - Representative Nima Kulkarni
(12/10/2021)

AN ACT relating to rights and obligations of landlords and tenants to a residential lease. Repeal and reenact various sections of KRS Chapter 383 to update the Uniform Residential Landlord and Tenant Act; create new sections of KRS Chapter 383 to conform; amend KRS 383.715 to conform; repeal KRS 383.300, 303.302, 383.500, 383.505, 383.515, 383.525, 383.540, 383.580, 383.620, and 383.665.
(Prefiled by the sponsor(s).)

BR22 - Representative Kim Banta
(6/2/2021)

AN ACT relating to crimes and punishments. Repeal KRS 510.100, relating to sodomy in the fourth degree; amend KRS 194A.380 and 532.031 to conform.
(Prefiled by the sponsor(s).)

BR40 - Representative Jerry Miller, Representative Brandon Reed, Representative McKenzie Cantrell, Representative Buddy Wheatley
(8/11/2021)

AN ACT relating to changes in pension payments due to overtime worked during a local emergency and declaring an emergency. Amend KRS 61.598 to exempt from the anti-pension spiking provisions any overtime directly attributable to a local government emergency in which the Governor calls in the Kentucky National Guard; make amendments retroactive to May 30, 2020; EMERGENCY.
(Prefiled by the sponsor(s).)

BR43 - Representative Buddy Wheatley
(6/17/2021)

AN ACT relating to cremation. Amend KRS 367.97501 to create definition for "alkaline hydrolysis," amend the definition of "cremation" to include "alkaline hydrolysis," and amend the definition of "cremation container" to include alkaline hydrolysis; amend KRS 367.97514 to correct statutory reference; make conforming amendment to KRS 316.010.
(Prefiled by the sponsor(s).)

BR45 - Representative Lisa Willner, Representative Joni Jenkins, Representative Nima Kulkarni, Representative Attica Scott
(6/1/2021)

AN ACT relating to civil rights. Amend KRS 344.010 to include definitions for "sexual orientation" and "gender identity"; amend KRS 344.020, relating to the purpose of the Kentucky's civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform.
(Prefiled by the sponsor(s).)

BR49 - Representative Lisa Willner, Representative Kim Banta, Representative Joni Jenkins, Representative Nima Kulkarni, Representative Rachel Roberts, Representative Attica Scott, Representative Buddy Wheatley
(6/1/2021)

AN ACT relating to youth mental health protection and declaring an emergency. Create a new section of KRS Chapter 210 define sexual orientation and gender identity change efforts, mental health professional, and public funds; to prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under 18 years of age or a person who is 18 years or older who is

an adult as defined in KRS 209.020 or a ward as defined in KRS 387.510; require violations to be subject to board discipline; prohibit public funds from being used for sexual orientation and gender identity change efforts; create a new section of KRS Chapter 211 to require the Department for Public Health to develop, produce, and disseminate educational materials regarding sexual orientation and gender identity change efforts; permit the cabinet to contract for the educational materials; add the short title "Youth Mental Health Protection Act"; EMERGENCY.
(Prefiled by the sponsor(s).)

BR53 - Representative Danny Bentley, Representative Patti Minter
(8/4/2021)

AN ACT relating to the establishment of emergency insulin programs and declaring an emergency. Create various new sections of KRS Chapter 211 to define terms; establish the Urgent-Need Insulin Program and the Continuing Access to Insulin Program; establish eligibility guidelines; establish the application process; establish the process by which insulin is dispensed to eligible individuals; establish the responsibilities of insulin manufacturers; establish the responsibilities of the Kentucky Board of Pharmacy for administering the program; require manufacturers to annually report certain information to the board; require the board to report certain information to the General Assembly upon request; establish penalties; EMERGENCY.
(Prefiled by the sponsor(s).)

BR60 - Representative Joseph Fischer, Representative Melinda Prunty, Representative Lynn Bechler, Representative Mark Hart, Representative Kim King, Representative Savannah Maddox, Representative Felicia Rabourn, Representative Brandon Reed, Representative Richard White
(6/1/2021)

AN ACT relating to public education and declaring an emergency. Amend KRS 158.183 to require a local board of education or board of a public charter school to ensure that no public school or public charter school offers any classroom instruction or discussion that incorporates designated concepts related to race, sex, and religion; provide that a school district employee that violates the prohibition is subject to disciplinary action; authorize the Attorney General to enforce the prohibition; authorize a penalty of \$5,000 for each day a violation persists after the Attorney General issues notification that a violation has occurred; require the commissioner of education to deduct the penalty from funds distributed to a school district; create a new section of KRS Chapter 164 to provide that no student enrolled at a public postsecondary education institution shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; title the Act the "Education Non-Discrimination Act";

EMERGENCY.
(Prefiled by the sponsor(s).)

BR61 - Representative Phillip Pratt
(8/11/2021)

AN ACT relating to crimes and punishments.
Amend KRS 519.010 to add definition of “emergency response”; amend KRS 519.040 to increase the penalties for falsely reporting an incident that results in an emergency response; create a new section of KRS Chapter 41 to provide for a civil cause of action for damages arising from the false reporting of an incident; amend KRS 134.127 to conform.
(Prefiled by the sponsor(s).)

BR65 - Representative Brandon Reed, Representative Lynn Bechler, Representative Jennifer Decker, Representative Thomas Huff, Representative Savannah Maddox, Representative Felicia Rabourn
(6/10/2021)

AN ACT relating to SARS-CoV-2 documentation.
Create a new section of KRS Chapter 61 to prohibit a governmental body from requiring persons to provide vaccine passports to enter or obtain service from the governmental body; create a new section of KRS Chapter 160 to prohibit a school from requiring persons to provide vaccine passports to enter or obtain service from the school; create a new section of KRS Chapter 164 to prohibit a university board from requiring persons to provide vaccine passports to enter or obtain service from the university; create a new section of KRS Chapter 214 to prohibit a business entity from requiring persons to provide vaccine passports to enter or obtain service from the business entity; create a new section of KRS Chapter 214 to allow the Cabinet for Health and Family Services to impose of fine not to exceed \$5,000 per violation of this Act.
(Prefiled by the sponsor(s).)

BR69 - Representative Matt Lockett, Representative Shane Baker, Representative Lynn Bechler, Representative Josh Calloway, Representative Jennifer Decker, Representative Ryan Dotson, Representative Daniel Fister, Representative Jim Gooch Jr., Representative Mark Hart, Representative Thomas Huff, Representative Kim King, Representative Norma Kirk-McCormick, Representative Jerry Miller, Representative Melinda Prunty, Representative Felicia Rabourn, Representative Nancy Tate, Representative Walker Wood Thomas, Representative Bill Wesley, Representative Richard White
(6/4/2021)

AN ACT relating to prohibited instruction and declaring an emergency.
Amend KRS 158.183 to require a local board of education or board of a public charter school to ensure that no public school or public charter school offers any classroom instruction or discussion that promotes designated concepts related to race, sex, and religion; provide that a school district employee that violates the prohibition is subject to disciplinary action; amend KRS 164.348 to prohibit classroom instruction or discussion that incorporates designated concepts related to race, sex, and religion at public postsecondary education institutions;

EMERGENCY.
(Prefiled by the sponsor(s).)

BR90 - Senator Karen Berg
(12/10/2021)

AN ACT relating to emergency medical personnel.
Amend KRS 311A.090 to require a convicted felon licensed or certified by the Board of Emergency Medical Services to notify the board within 30 days of his or her release about the charges of which he or she was convicted and the terms of release; amend KRS 311A.200 to require an incarcerated felon with a limited certification as a first responder or emergency medical technician or limited license as a paramedic, who wishes to continue to be licensed, to apply to the board.
(Prefiled by the sponsor(s).)

BR91 - Senator Reginald Thomas, Senator Morgan McGarvey
(9/2/2021)

AN ACT relating to wages.
Amend KRS 337.010 to increase the applicable threshold of employees of retail stores and service industries from \$95,000 to \$500,000 average annual gross volume of sales for the employer and to define “small employer” and “large employer”; amend KRS 337.275 to incrementally raise minimum wage for small and large employers to \$12.00 an hour and \$15.00 an hour respectively; include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.
(Prefiled by the sponsor(s).)

BR92 - Senator Reginald Thomas
(11/23/2021)

AN ACT relating to traffic control signal monitoring systems and making an appropriation therefor.
Create new sections of KRS Chapter 189 to define the terms “agency,” “owner,” “recorded images,” and “traffic control signal monitoring system”; establish a civil penalty of \$50 if a motor vehicle is recorded failing to obey the instructions of a traffic control device; set forth forms and procedures; outline defenses for citations for failing to obey a traffic control device; mandate that a person who refuses to pay the civil penalty and does not appear to contest the citation shall have the vehicle’s registration suspended and to mandate that civil penalties shall not result in points against the violator’s driving record; amend KRS 189.231 and KRS 189.990 to conform;
APPROPRIATION.
(Prefiled by the sponsor(s).)

BR96 - Representative Patti Minter, Representative Attica Scott
(8/19/2021)

AN ACT relating to student loan servicers.
Establish Subtitle 12 of KRS Chapter 286 and create sections thereof to define terms; establish licensing requirements for certain student loan servicers; establish requirements for student loan servicing activities; require student loan servicers to comply with applicable state and federal law; establish fines for violations of the subtitle; establish a private right of action for violations of the

subtitle; permit the commissioner of the Department of Financial Institutions to monitor risk to consumers relating to servicing student loans; require the commissioner to designate a student loan ombudsman; set forth requirements for student loan ombudsman; amend KRS 452.005 to conform; state that provisions of this Act shall be severable.
(Prefiled by the sponsor(s).)

BR97 - Representative Patti Minter, Representative Joni Jenkins, Representative Rachel Roberts, Representative Buddy Wheatley
(6/1/2021)

AN ACT relating to civil rights.
Amend KRS 344.010 to include definitions for “sexual orientation” and “gender identity”; amend KRS 344.020, relating to the purpose of the Kentucky’s civil rights chapter, to prohibit discrimination on the basis of sexual orientation or gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices to include discrimination on the basis of sexual orientation or gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include discrimination on the basis of sexual orientation or gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation or gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include discrimination on the basis of sexual orientation or gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include discrimination on the basis of sexual orientation or gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include discrimination on the basis of sexual orientation or gender identity; make various technical amendments; amend KRS 18A.095 to conform.
(Prefiled by the sponsor(s).)

BR98 - Representative Patti Minter, Representative Pamela Stevenson, Representative Rachel Roberts, Representative Buddy Wheatley
(6/10/2021)

AN ACT relating to Women Veterans’ Appreciation Day.
Create a new section of KRS Chapter 2 to designate June 12 as Women Veterans’ Appreciation Day in the Commonwealth.
(Prefiled by the sponsor(s).)

BR99 - Representative Patti Minter
(12/9/2021)

AN ACT relating to consumer protections in health insurance.
Create a new section of Subtitle 17A of KRS Chapter 304 to define terms; establish health-status eligibility rules for health benefit plans in any market; prohibit requiring a greater premium or contribution, or different benefits coverage, on the basis of any health status-

related factor; prohibit pre-existing condition exclusions; require coverage for essential health benefits; prohibit insurers from establishing lifetime or annual limits on essential health benefits; require coverage for dependent children until age 26; prohibit adjustment of premium or contribution amounts for group health plans on the basis of genetic information; require the commissioner of insurance to define essential health benefits; establish when the section controls; establish opt-in for health plans not otherwise required to comply with requirements of section; establish that the section applies to health benefit plans and health plan opt-ins on or after the date as established under that section; amend various statutes to conform; amend KRS 18A.225 and 164.2871 to require the state employee health plan and state postsecondary education institution self-insured employer group health plans to comply with Section 1 of the Act.

(Prefiled by the sponsor(s).)

BR102 - Representative Patti Minter, Representative Cherlynn Stevenson, Representative Rachel Roberts (6/17/2021)

AN ACT relating to state benefits for veterans. Amend KRS 12.245, 12.354, 14A.1-070, 16.040, 40.010, 40.310, 40.650, 42.0146, 148.0211, 158.105, 158.140, 161.048, 164.512, 164.515, 186.041, and 186.416 to make certain LGBTQ and qualifying veterans eligible for state veterans' benefits.

(Prefiled by the sponsor(s).)

BR106 - Representative Savannah Maddox, Representative Mark Hart, Representative Shane Baker, Representative Kim Banta, Representative Lynn Bechler, Representative Josh Calloway, Representative Jennifer Decker, Representative Ryan Dotson, Representative Joseph Fischer, Representative Daniel Fister, Representative Regina Huff, Representative Thomas Huff, Representative William Lawrence, Representative Matt Lockett, Representative Felicia Rabourn, Representative Nancy Tate, Representative Bill Wesley, Representative Richard White (6/21/2021)

AN ACT relating to immunization disclosure. Create a new section in KRS Chapter 336 to prohibit public entity employers from requiring employees and applicants from disclosing his or her immunization status; create a new section in KRS Chapter 164 to prohibit postsecondary schools from requiring a student, staff, or faculty member to disclose his or her immunization status; amend KRS 344.120 to include the discrimination on the basis of "immunization status" as an unlawful practice; create a new section in KRS Chapter 365 to prohibit a business from requiring customers to disclose his or her immunization status as a condition for service or entry upon the premises; create a new KRS Chapter 214 to prohibit a public entity from creating standardized documentation with the purpose of certifying vaccination status; amend KRS 214.036 to allow objection to immunization on the basis of "conscientiously held beliefs".

(Prefiled by the sponsor(s).)

BR119 - Representative Lisa Willner, Representative Joni Jenkins, Representative Nima Kulkarni, Representative Attica Scott

(6/1/2021)

AN ACT relating to health education.

Repeal and reenact KRS 158.1415 to require each school district to provide healthy relationship education instruction to all public school students; establish minimum requirements for the instruction; establish minimum requirements for the healthy relationship curricula and instructional materials; prohibit a school or school district from restricting the ability of an instructor to answer a question related to the instruction; require that a school make the healthy relationship curricula and instructional materials available upon the request of a parent or guardian and establish a procedure for a parent or guardian to opt a student out of the instruction; require the Kentucky Board of Education to promulgate administrative regulations necessary to implement, administer, and enforce this section; require the Kentucky Board of Education to promulgate administrative regulations requiring that each school district submit a report on healthy relationship instruction in the district biennially; require the Kentucky Department of Education to maintain a list of recommended healthy relationship curricula and instructional materials; permit a parent or guardian to file an enforcement action in Circuit Court.

(Prefiled by the sponsor(s).)

BR128 - Representative Danny Bentley (10/7/2021)

Proclaim April 26, 2022, to be Diabetic Ketoacidosis Awareness Day in Kentucky. (Prefiled by the sponsor(s).)

BR133 - Representative Kim Banta (6/2/2021)

AN ACT proposing an amendment to Section 32 of the Constitution of Kentucky relating to terms of members of the General Assembly. Propose to amend Section 32 of the Constitution of Kentucky to prevent Senators from serving more than four terms of office, not including partial terms of two years or less, and to prevent members of the House of Representatives from serving more than six terms of office, not including partial terms of two years or less, beginning with those elected in November 2024; provide ballot language; submit to voters for ratification or rejection. (Prefiled by the sponsor(s).)

BR135 - Representative Kim Banta (6/8/2021)

AN ACT relating to boating safety. Amend KRS 235.285 to require individuals born on or after January 1, 1975, to possess a safe boating certificate prior to operating a personal watercraft or motorboat on the waters of the Commonwealth; provide for exemption certificates; delay enforcement and require courtesy warnings for violations until July 1, 2023; amend KRS 235.990 to conform. (Prefiled by the sponsor(s).)

BR137 - Senator Ralph Alvarado (10/13/2021)

AN ACT relating to long-term care facilities.

Amend KRS 194A.700 to delete, amend, and add definitions; amend KRS 194A.703 to replace "client" with "resident" and to include requirements for living units in a dementia care unit; amend KRS 194A.705 to allow assisted living communities to provide additional services; amend KRS 194A.707 to change the administrative procedure process of assisted living communities, to add a biennial review process, and to change the certification process to a licensure process; amend KRS 194A.709 to remove the requirement of reporting to the Division of Health Care and to make technical language changes; amend KRS 194A.711 to revise the criteria to be met by residents in an assisted living community; amend KRS 194A.717 to include staffing needs pursuant to an assisted living community's service plan; amend KRS 194A.719 to require orientation education prior to independently working with residents; amend KRS 194A.727 to clarify which businesses can be licensed as an assisted living community; create multiple new sections of KRS 194A.700 to 194A.729 to provide requirements for the cabinet to consider when an applicant is seeking a license as an assisted living community with dementia care; for when a licensee chooses to voluntary relinquishment of a license as an assisted living community with dementia care; to list the responsibilities of an assisted living community with dementia care; to require continuing education training for assisted living managers of an assisted living community with dementia care; to require assisted living communities with dementia care to develop and implement additional policies; to provide staffing requirements for individuals employed in assisted living communities with dementia care; to include additional services an assisted living community with dementia care must provide; to list training requirements for staff working in dementia care units; to establish two categories of licensure for assisted living communities and to require assisted living communities to obtain a license from the cabinet to operate as a dementia care unit; to allow licensed personal care homes, under specific circumstances, to be licensed as an assisted living community or assisted living community with dementia care; to establish the rules for fines and violations of an assisted living community; amend KRS 216.510 and 216.535 to expand the definition of "long-term care facilities" to include assisted living communities; amend KRS 216.535 to amend the definition of "long-term care ombudsman" to exclude assisted living communities; amend KRS 216.530 to amend the inspection period for assisted living communities, personal care homes, and specialized personal care homes; amend KRS 216.557 to exclude assisted living communities from receiving citations as type A or type B violations; amend KRS 216.515, 216.560, 216.563, 216.565, 216.577, 216A.030, and 218A.180 to exclude assisted living communities; amend KRS 216.765 to require a specific medical examination in the admission into assisted living communities; amend KRS 216.573 to broaden the cabinet's power to institute injunctive proceedings; create a new section of KRS Chapter 216 to create new definitions; to establish rules for residence in a personal care home or a specialized personal care home; to allow a personal care home or specialized personal care to provide additional services in certain situations; to establish staffing requirements in personal care homes or specialized personal care homes; to require the cabinet to promulgate administrative regulations to regulate an initial and biennial licensure review process and to establish additional procedures; and to allow the cabinet to request

information and to conduct on-site visits; amend KRS 216B.015 to expand the definition of “health facility”; amend KRS 216B.155 to add the exemption of assisted living communities from specific standard requirements; amend KRS 216B.160 to allow a manager’s designee in an assisted living community to conduct an ongoing assessment; amend various sections of KRS Chapter 194A and KRS 216.595 to make technical corrections and changes; repeal KRS 194A.723 and 194A.724.
(Prefiled by the sponsor(s).)

BR140 - Representative Chris Freeland, Representative Kim Banta, Representative Tina Bojanowski, Representative Adam Bowling, Representative Kevin Bratcher, Representative McKenzie Cantrell, Representative Jennifer Decker, Representative Ken Fleming, Representative Kelly Flood, Representative Derrick Graham, Representative Regina Huff, Representative Thomas Huff, Representative Joni Jenkins, Representative Nima Kulkarni, Representative Scott Lewis, Representative Matt Lockett, Representative C. Ed Massey, Representative Bobby McCool, Representative Patti Minter, Representative Phillip Pratt, Representative Melinda Prunty, Representative Rachel Roberts, Representative Steve Sheldon, Representative Tom Smith, Representative Cherlynn Stevenson, Representative Walker Wood Thomas, Representative Killian Timoney, Representative Susan Westrom, Representative Buddy Wheatley, Representative Richard White, Representative Lisa Willner
(6/8/2021)

AN ACT relating to torture of a dog or cat.
Amend KRS 525.135, relating to torture of a dog or cat, to add specific acts to definition of torture; make all violations a Class D felony; make each act of torture prosecutable as a separate offense; make the exemptions applicable only where there is no intent to cause, increase, or prolong the pain and suffering of the dog or cat.
(Prefiled by the sponsor(s).)

BR142 - Representative Attica Scott
(6/17/2021)

AN ACT relating to the taxation of feminine hygiene products.
Amend KRS 139.010 to define “feminine hygiene products”; amend KRS 139.480 to exempt from sales and use tax the sale or purchase of feminine hygiene products; apply to sales or purchases made on or after August 1, 2022.
(Prefiled by the sponsor(s).)

BR143 - Representative Walker Wood Thomas
(12/2/2021)

AN ACT relating to the selling and fitting of hearing instruments.
Amend KRS 334.020 to allow audiologists licensed under KRS Chapter 334A to engage in the sale and practice of fitting hearing instruments; amend KRS 334.030 to update the mailing address of the Kentucky Licensing Board for Specialists in Hearing; amend KRS 334A.020 to include selling or fitting of hearing instruments in the definition of “the practice of audiology”; create new sections of KRS Chapter 334A to establish requirements for any person engaged in the selling and fitting of hearing instruments;

establish procedures for complaints against licensed persons; establish procedures for a client’s right to cancel the purchase of a hearing instrument; require any person licensed to sell hearing instruments to maintain records of clients to whom a hearing device was sold for a minimum of three years; amend KRS 334A.040 to establish exemptions for persons licensed under KRS Chapter 334A.
(Prefiled by the sponsor(s).)

BR147 - Representative Rachel Roberts, Representative Patti Minter
(8/3/2021)

AN ACT relating to maternal mental health.
Create a new section of KRS Chapter 211 to require all hospitals or alternative birthing centers offering obstetric services or licensed health care providers, including nurse midwives or certified professional midwives, to provide each maternity patient with information on maternal depression and available resources; require the Cabinet for Health and Family Services to post on its Web site information about providers who assist with maternal depression.
(Prefiled by the sponsor(s).)

BR152 - Representative Rachel Roberts
(10/8/2021)

AN ACT relating to medical order for scope of treatment.
Amend KRS 311.621 to add new definitions and amend current definitions; amend KRS 311.6225 to expand the scope of who can complete a MOST form; to require an electronically fillable version of the MOST form to be accessed online; to require a Spanish translation of the MOST form; to accept out of state versions of the form as long as certain conditions are met; and amend various sections of KRS 311 to include physician assistants and advanced practice registered nurses.
(Prefiled by the sponsor(s).)

BR153 - Senator Reginald Thomas
(11/19/2021)

AN ACT relating to the screening of tenants.
Create new sections of KRS Chapter 383 to limit applicant screening charges for charges made within a 60 day period; prohibit landlords from charging screening fees without notice to the applicant; require screening criteria from landlords; require landlords to return charges if the dwelling is filled before the screening; disallow landlords from considering applicant’s certain previous actions, arrests, or criminal charges; require landlords provide denied applicants with a written statement pursuant to specific criteria putting forth one or more reasons for the denial.
(Prefiled by the sponsor(s).)

BR154 - Representative Ryan Dotson, Representative Melinda Prunty, Representative Shane Baker, Representative Josh Calloway, Representative Jennifer Decker, Representative Daniel Fister, Representative Thomas Huff, Representative Norma Kirk-McCormick, Representative Brandon Reed, Representative Scott Sharp, Representative Steve Sheldon, Representative Bill Wesley, Representative Richard White
(6/11/2021)

AN ACT relating to athletics.
Amend KRS 156.070 to require KHSAA to promulgate administrative regulations or bylaws requiring schools to designate all interscholastic athletics based upon the biological sex of the students eligible to participate; prohibit male students from participating in girls’ athletics; establish how to designate biological sex; prohibit designated agencies from entertaining complaints or investigations of policies; create a cause of action against a school that violates these provisions; create a new section of KRS Chapter 164 to require a public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association to designate all intercollegiate and intramural athletics authorized by the institution based on biological sex of students eligible to participate; require that institutions prohibit male students from participating in womens’ athletics; prohibit designated agencies from entertaining complaints or investigations of policies; create a cause of action against a postsecondary institution that violates these provisions; title the Act “Fairness in Womens’ Sports Act.”
(Prefiled by the sponsor(s).)

BR159 - Representative Daniel Fister
(6/29/2021)

AN ACT relating to food products.
Amend KRS 217.015 to add dried coffee and tea to the definition of home-based processor.
(Prefiled by the sponsor(s).)

BR171 - Representative Josh Bray, Representative Kim Banta, Representative Daniel Fister, Representative Thomas Huff, Representative Brandon Reed, Representative Steve Riley, Representative Russell Webber
(6/25/2021)

AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.
Create a new section of KRS Chapter 237 to prohibit identified entities from enforcing federal firearm bans; prohibit identified entities from adopting rules, regulations, or ordinances that require enforcement of federal firearm bans; and prohibit identified entities from allocating public resources or moneys in the enforcement of federal firearm bans; EMERGENCY.
(Prefiled by the sponsor(s).)

BR172 - Representative Josh Bray, Representative Josh Branscum
(7/2/2021)

AN ACT relating to biometric data collection practices.
Create a new section of KRS Chapter 369 to define terms; require private entities to develop and comply with a retention and destruction schedule for biometric identifiers and information; prohibit private entities’ collection, trade, and disclosure of biometric information with limited exceptions; create a standard of care for private entities collecting biometric information; create a civil cause of action for violations.
(Prefiled by the sponsor(s).)

BR174 - Representative Patrick Flannery
(12/10/2021)

AN ACT relating to driving under the influence and declaring an emergency.
Amend KRS 189A.010 to remove the penalty enhancement for refusal of a blood test; amend KRS 189A.104 to remove blood tests from the list of alcohol or substance tests that are subject to enhancement of penalties; amend KRS 189A.105 to remove the limitations for obtaining a search warrant for a blood test and provide that a refusal of a blood test will not result in the enhancement of any criminal penalty; amend KRS 189A.107 to describe that the refusal of a blood, breath, or urine test will subject a person to license suspension; amend KRS 189A.110 to include an alcohol concentration reading of 0.15 percent as a qualifying result for the minimum four hour detention requirement; EMERGENCY.
(Prefiled by the sponsor(s).)

BR180 - Representative Rachel Roberts
(8/27/2021)

AN ACT relating to coverage of mental health wellness examinations.
Create a new section of Subtitle 17A of KRS Chapter 304 to define terms; require certain health insurance policies to provide coverage for an annual mental health wellness examination of at least 45 minutes provided by a mental health professional; require the coverage to be no less extensive than coverage for medical and surgical benefits; require the coverage to comply with the Mental Health Parity and Addiction Equity Act of 2008; provide that coverage shall not be subject to cost-sharing requirements; amend KRS 164.2871 to require self-insured employer group health plans provided by the governing board of a state postsecondary education institution to comply with the mental health wellness examination coverage requirement; amend KRS 205.522 to require the Medicaid benefits to comply with the mental health wellness examination coverage requirement; amend KRS 205.6485 to require the Kentucky Children's Health Insurance Program to comply with the mental health examination coverage requirement; amend KRS 18A.225 to require the state employee health plan to comply with the mental health coverage requirement; require the Cabinet for Health and Family Services to seek federal approval if they determine that such approval is necessary; EFFECTIVE, in part, January 1, 2023.
(Prefiled by the sponsor(s).)

BR185 - Representative Bobby McCool, Representative Lisa Willner
(8/4/2021)

AN ACT relating to student mental health.
Amend KRS 159.035 to require a local school district's attendance policy to include provisions for a student's mental or behavioral health status.
(Prefiled by the sponsor(s).)

BR191 - Representative Richard White
(9/8/2021)

AN ACT relating to assisted reproduction.
Create a new section of KRS Chapter 510 to create the crime of fraudulent assisted reproduction; define terms; authorize a civil action; establish penalty; amend KRS 311.597 to add fraudulent assisted reproduction to the list

of violations that may cause a doctor to lose his or her medical license.
(Prefiled by the sponsor(s).)

BR192 - Representative Adam Bowling, Representative DJ Johnson
(8/5/2021)

AN ACT relating to resource recovery.
Amend KRS 224.1-010 to redefine "disposal," "municipal solid waste disposal facility," "waste site or facility," "waste," and "solid waste management facility"; define "advanced recycling," "advanced recycling facility," "depolymerization," "gasification," "post-use polymer," "pyrolysis," "recovered feedstock," and "solvolysis"; amend KRS 109.012 to redefine "solid waste," "solid waste management," and "solid waste management facility."
(Prefiled by the sponsor(s).)

BR197 - Representative Walker Wood Thomas
(12/2/2021)

AN ACT relating to an exemption of income taxation for military pensions.
Amend KRS 141.019 to exclude all distributions from military pension plans received by retired members of the United States military and their surviving spouses or former spouse under a survivor benefit plan from income taxation for taxable years beginning on or after January 1, 2022, and before January 1, 2026; require reporting by the Department of Revenue; amend KRS 131.190 to conform.
(Prefiled by the sponsor(s).)

BR199 - Representative Danny Bentley
(12/1/2021)

AN ACT relating to the issuance and renewal of occupational licenses to military spouses.
Amend KRS 12.357 to require administrative bodies to issue or renew regular occupational licenses to spouses of active duty members of the Armed Forces without payment of fees or dues.
(Prefiled by the sponsor(s).)

BR201 - Representative Attica Scott, Representative Buddy Wheatley
(6/30/2021)

AN ACT relating to discriminatory practices against a person.
Amend KRS 344.010 to provide definitions of "protective hairstyle" and "race" that include traits historically associated with race; amend KRS 158.148 to provide that school disciplinary codes shall prohibit discrimination on the basis of race; establish the short title of "C.R.O.W.N. Act".
(Prefiled by the sponsor(s).)

BR202 - Representative Richard White
(12/6/2021)

AN ACT relating to the age requirement for serving alcoholic beverages.
Amend KRS 244.090 to lower the minimum alcohol server age of employees to 18 provided that the employee is supervised by someone aged 21 years or older.

(Prefiled by the sponsor(s).)

BR203 - Senator Gerald Neal
(6/18/2021)

AN ACT relating to state holidays.
Amend KRS 2.147 and 18A.190 to make June 19, also known as "Juneteenth National Freedom Day," a state holiday for state employees.
(Prefiled by the sponsor(s).)

BR206 - Representative George Brown Jr.
(12/9/2021)

AN ACT relating to state holidays.
Amend KRS 2.110 to add the nineteenth of June as a state holiday commemorating Juneteenth National Freedom Day.
(Prefiled by the sponsor(s).)

BR208 - Representative Daniel Fister, Representative Norma Kirk-McCormick, Representative William Lawrence, Representative Richard White
(7/19/2021)

AN ACT relating to the taxation of firearms and ammunition.
Amend KRS 139.010 to add definitions of "firearm" and "ammunition"; amend KRS 139.480 to exempt firearms and ammunition from sales and use tax and require reporting related to the exemption; amend KRS 131.190 to allow reporting by the Department of Revenue; EFFECTIVE August 1, 2022.
(Prefiled by the sponsor(s).)

BR209 - Representative Richard White
(7/28/2021)

AN ACT relating to transportation.
Amend KRS 189.030 to require the illumination of headlamps on motor vehicles during any period of precipitation that necessitates the use of windshield wipers by motorists; specify that there will be a courtesy warning period until January 1, 2023.
(Prefiled by the sponsor(s).)

BR210 - Representative DJ Johnson
(9/2/2021)

AN ACT relating to limited X-ray machine operators.
Amend KRS 311B.020 to redefine "limited X-ray machine operator" and "medical imaging technologist" to provide limited exemptions from the place-of-employment restrictions on limited X-ray machine operators.
(Prefiled by the sponsor(s).)

BR211 - Representative Shane Baker, Representative Walker Wood Thomas
(8/4/2021)

AN ACT relating to religion.
Amend KRS 39A.100 to exclude houses of worship from emergency condemnation authority; prohibit a governmental entity from prohibiting religious services during an emergency to a greater extent than imposed on other organizations or businesses that provide essential

services; require a compelling governmental interest to place a burden on a religious organization; prohibit a governmental entity from taking any discriminatory action against a religious organization on the basis that the organization is religious; define “discriminatory action,” “governmental entity,” “religious organization,” and “religious services”; allow a religious organization to assert a violation of this section as a claim against a governmental entity or as a defense and waive sovereign, governmental, and qualified immunity to the extent of liability under the section; set out remedies available to a religious organization; require construction in favor of protecting free exercise of religion; require a religious organization to bring an action no later than two years from the date the person should have known of the discriminatory action.
(Prefiled by the sponsor(s).)

BR215 - Representative Bill Wesley, Representative Mark Hart, Representative Kim Banta, Representative McKenzie Cantrell, Representative Daniel Fister, Representative Derrick Graham, Representative Angie Hatton, Representative Norma Kirk-McCormick, Representative Cherlynn Stevenson
(10/22/2021)

AN ACT relating to mental health.
Amend KRS 15.518 to include telecommunicators as eligible participants in the Law Enforcement Professional Development and Wellness Program; amend KRS 15.550 to require the telecommunicator basic course training to include instruction on and provide resources for treatment of post-traumatic stress disorder and work-induced stress, require the Kentucky Law Enforcement Council to incorporate PTSD mental health treatment into the telecommunicator training program and provide treatment resources to telecommunicators and their supervisors; amend KRS 15.560 and 15.565 to require each in-service training to include a mental health component on PTSD and work-induced stress; amend KRS 15.590 to require the Kentucky Law Enforcement Council to include training and resources for post-traumatic stress disorder and work-induced stress during each telecommunicator in-service training, provide guidelines and a resource list to all telecommunicators and their supervisors, and allow telecommunicators to access the Law Enforcement Professional Development and Wellness Program; this Act shall be known as the Lifeline’s Act.
(Prefiled by the sponsor(s).)

BR220 - Representative James Tipton
(12/10/2021)

AN ACT relating to the establishment of the Kentucky Early Entry Initiative pilot program and declaring an emergency.
Create a new section of KRS Chapter 161 to define “early career teachers”; establish the Kentucky Early Entry Initiative pilot program; define the purposes and objectives of the pilot program; outline the three-year structure of the program; require an evaluation report be submitted to the Legislative Research Commission by December 1, 2025; establish the short title of “Kentucky Early Career Teachers Act”; EMERGENCY.
(Prefiled by the sponsor(s).)

BR222 - Representative Tina Bojanowski, Representative

Kim Banta
(12/8/2021)

AN ACT establishing the official Kentucky Mental Health Flag.
Create a new section of KRS Chapter 2 establishing the official Kentucky Mental Health Flag and directing it to be displayed in the State Capitol in May.
(Prefiled by the sponsor(s).)

BR224 - Representative Bill Wesley
(12/10/2021)

AN ACT relating to grandparent rights.
Amend KRS 405.021 to establish that grandparent visitation rights are not adversely affected by any investigation related to abuse, neglect, dependency of a child, or termination of parental rights of the grandparent’s son or daughter who is the father or mother of the child visited by the grandparent, unless the Circuit Court determines that it is in the best interest of the child to do so.
(Prefiled by the sponsor(s).)

BR226 - Representative Josh Branscum
(7/6/2021)

AN ACT relating to school facilities.
Amend KRS 157.455 deleting the Kentucky efficient school design trust fund; delete reporting requirement for efficient design; amend KRS 198B.060 to allow local plan review, inspection and enforcement of educational facilities; repeal KRS 162.062, which requires new public school buildings to provide sufficient water bottle fillings station and drinking fountains.
(Prefiled by the sponsor(s).)

BR228 - Representative Susan Westrom
(10/21/2021)

AN ACT relating to bereavement medical leave for loss of an infant.
Create a new section of KRS Chapter 337 to allow use of leave time for parents to grieve the loss of a child under the age of one year.
(Prefiled by the sponsor(s).)

BR238 - Representative Kim Banta
(7/9/2021)

AN ACT relating to medicaid coverage for individuals with mental illness.
Create a new section of KRS 205.565 to 205.647 to allow treatment for adults under age 65 in psychiatric residential facilities and hospitals to be claimed as a service; and require the Cabinet for Health and Family Services or the Department for Medicaid Services to request federal authorization for a waiver if necessary.
(Prefiled by the sponsor(s).)

BR243 - Representative Kevin Bratcher
(10/21/2021)

AN ACT relating to radon safety.
Repeal and reenact or repeal, reenact, and amend KRS 211.9101 to 211.9135 as new sections of KRS Chapter 309 to change the name of the Kentucky Radon Program

Advisory Committee to the Kentucky Board of Radon Safety; adjust the number of members to the board; establish the responsibilities of the board; attach the board to the Department of Professional Licensing in the Public Protection Cabinet for administrative purposes; change the name of the radon mitigation and control fund to the radon control fund; increase the cap on fines to \$1,000 per occurrence.
(Prefiled by the sponsor(s).)

BR251 - Representative Randy Bridges, Representative Kim Banta
(11/16/2021)

AN ACT relating to workforce and housing development.
Create a new section of KRS Chapter 198A to establish the nonrefundable Kentucky affordable housing credit for taxable years or periods beginning on or after January 1, 2025, for a period of five years; allow the credit to be applied to the income and insurance taxes, in an amount equal to the amount of federal low-income housing tax credit; provide that the aggregate amount of tax credit for any year shall not exceed \$12.5 million; create a new section of KRS Chapter 141 to allow the credit to be applied to income and limited liability entity taxes; amend KRS 141.0205 to order the income tax credit; create new sections of KRS Chapter 136 to allow the credit to be applied to insurance tax; order the insurance tax credits; amend KRS 131.190 to conform.
(Prefiled by the sponsor(s).)

BR254 - Representative Attica Scott
(7/20/2021)

AN ACT relating to implicit bias in perinatal care.
Amend KRS 211.680 to expand the scope of the legislative intent and findings; create new sections of KRS Chapter 211 to define terms; require licensed health facilities under KRS Chapter 216B to provide each patient with written information regarding the patient’s rights and implement an evidence-based implicit bias program for all health providers involved in the perinatal care of patients within those facilities; require the Department for Public Health to track data on maternal death and severe morbidity.
(Prefiled by the sponsor(s).)

BR255 - Representative Attica Scott
(7/20/2021)

AN ACT relating to pregnant inmates.
Amend KRS 196.173 to allow an inmate who is known to be pregnant or who has given birth in the last six weeks access to reasonable accommodations for the provision of available certified professional midwifery services or doula services.
(Prefiled by the sponsor(s).)

BR256 - Representative Attica Scott
(7/20/2021)

AN ACT relating to Medicaid coverage for doula services.
Create a new section of KRS Chapter 205 to require the Department for Medicaid Services and any managed care organization with whom the department contracts for the delivery of Medicaid services to provide coverage for doula services; establish training and education requirements for doulas; permit the department to

promulgate administrative regulations; require the Cabinet for Health and Family Services or the Department for Medicaid Services to seek federal approval if they determine that such approval is necessary.
(Prefiled by the sponsor(s).)

BR257 - Representative Attica Scott
(7/14/2021)

AN ACT relating to Medicaid coverage for lactation support services and breastfeeding equipment. Create a new section of KRS Chapter 205 to require the Department for Medicaid Services and Medicaid managed care organizations to provide coverage for lactation counseling, lactation consultation, and breastfeeding equipment; require the Cabinet for Health and Family Services or the Department for Medicaid Services to request federal authorization for a waiver if necessary.
(Prefiled by the sponsor(s).)

BR259 - Representative Savannah Maddox
(12/10/2021)

AN ACT relating to firearms and declaring an emergency. Create a new section of KRS Chapter 527 to define terms; prohibit an identified entity from enforcing, or assisting in the enforcement of, any federal law that does not exist under the laws of Kentucky and limits firearm ownership; create a Class B misdemeanor with enhancement for subsequent offenses for any government official who violates the prohibition; grant authority to the Attorney General to file a civil action in Circuit Court to enforce the prohibition; permit citizens to file complaints with the Attorney General for violations of the prohibition. Make federal agents subject to arrest for enforcing prohibition; or attempting to arrest local or state officials; provide that the Act may be cited as the Kentucky Second Amendment Preservation Act; EMERGENCY.
(Prefiled by the sponsor(s).)

BR267 - Representative Shawn McPherson
(8/9/2021)

AN ACT relating to the promotion of organ and bone marrow donation. Create a new section of KRS Chapter 141 to establish the employers' organ and bone marrow donation tax credit; amend KRS 141.0205 to provide the ordering of the credit; amend KRS 131.190 to allow disclosure of certain information on the credit to the Legislative Research Commission; declare short title to be the Living Organ and Bone Marrow Donor Assistance Act of 2022.
(Prefiled by the sponsor(s).)

BR268 - Representative Susan Westrom
(12/6/2021)

AN ACT relating to financial disclosure statements. Amend KRS 6.787, relating to legislative ethics, to include the names of clients paying more than \$1,000 annually to a consulting firm owned by a legislator or spouse, or which employs a legislator or spouse, in the statement of financial disclosure; exclude legislators who are attorneys from this requirement.
(Prefiled by the sponsor(s).)

BR274 - Representative James Tipton
(11/16/2021)

AN ACT relating to dual credit scholarships. Amend KRS 164.786 to increase the dual credit tuition rate ceiling amount; add eligibility for high school freshmen and sophomores; add career and technical education courses to the Dual Credit Scholarship; amend KRS 164.787 to delete the dual credit provisions from the Work Ready Kentucky Scholarship Program.
(Prefiled by the sponsor(s).)

BR275 - Representative James Tipton, Representative Steve Riley, Representative Kim Banta, Representative Tina Bojanowski, Representative Jennifer Decker, Representative Kim King, Representative C. Ed Massey, Representative Bobby McCool, Representative Melinda Prunty, Representative Josie Raymond, Representative Attica Scott, Representative Lisa Willner
(9/9/2021)

AN ACT relating to full-day kindergarten. Amend KRS 158.060 to remove language that allows for half-day kindergarten programs; amend KRS 157.320, 157.360, and 158.030 to conform.
(Prefiled by the sponsor(s).)

BR277 - Representative Susan Westrom
(12/6/2021)

AN ACT relating to the termination of automatic renewal offers and continuous service offers. Create new sections of KRS Chapter 365 to define "affirmative consent," "automatic renewal," "automatic renewal offer terms," "clear and conspicuous," "continuous service," "continuous service offer terms," "gift membership," "gift subscription," "material change," "membership," "purchasing agreement," and "subscription"; require businesses to present automatic renewal or continuous service offer terms clearly and conspicuously to consumers before purchase; require businesses to obtain the consumer's consent before charging the consumer; require businesses to provide consumers with an easy-to-use mechanism for cancellation; require businesses to provide users who purchase in one medium the opportunity to terminate in the same medium, including online termination; require businesses to provide a notice regarding term changes prior to implementation; require businesses to abide by requirements before completion of the order, except that the acknowledgment may be fulfilled after order completion and notice of change must be fulfilled prior to implementation; require businesses to provide notification of the expiration of a subscription; prohibit businesses from continuing to charge consumers after the completion of singular orders, orders for a definite period of time, or the expiration of subscriptions or memberships without creating an automatic renewal or continuous service; provide that goods, wares, merchandise, or products sent to the consumer shall be considered an unconditional gift if consent is not obtained by the business; amend KRS 365.990 to create penalty.
(Prefiled by the sponsor(s).)

BR287 - Representative Nancy Tate
(10/14/2021)

AN ACT relating to motor vehicle taxes. Amend KRS 138.470 to exempt motor vehicles purchased

by members of the Armed Forces on duty in Kentucky and motor vehicles titled and registered in Kentucky by members of the Armed Forces on duty in Kentucky from motor vehicle usage tax.
(Prefiled by the sponsor(s).)

BR290 - Representative Kim Banta, Representative Cherlynn Stevenson
(9/29/2021)

AN ACT relating to animal cruelty. Create new sections of KRS Chapter 525 to define terms; require peace officers and animal control officers to serve notice of seizure of an animal subjected to cruelty; create procedure for seizing agencies to petition a court to order payment of animal care costs by owner; establish penalties; prohibit the destruction of seized animals, except for humane reasons determined by veterinarian.
(Prefiled by the sponsor(s).)

BR301 - Senator John Schickel
(9/1/2021)

AN ACT relating to the Kentucky Educational Excellence Scholarship. Amend the definition of "KEES Award" in KRS 164.7874 to include a dual credit course award amount; amend KRS 164.7879 to provide a dual credit course award amount to high school students who graduate from a nonpublic secondary school not certified by the Kentucky Board of Education.
(Prefiled by the sponsor(s).)

BR306 - Representative Buddy Wheatley, Representative Attica Scott
(9/15/2021)

AN ACT relating to elections. Amend KRS 117.087 and 118.035 to extend the ending voting hours from 6 p.m. to 7 p.m.
(Prefiled by the sponsor(s).)

BR307 - Representative Buddy Wheatley
(9/24/2021)

AN ACT relating to elections. Amend 118.025 to remove straight ticket voting as a ballot option in an election; amend KRS 63.200, 117.125, 118A.090, and 118A.100 to conform.
(Prefiled by the sponsor(s).)

BR308 - Representative Bobby McCool
(12/9/2021)

AN ACT relating to welding safety. Create a new section of KRS Chapter 198B to establish requirements for projects requiring structural steel welding such as certification of welders and certified inspectors; provide definitions; EFFECTIVE January 1, 2023.
(Prefiled by the sponsor(s).)

BR316 - Representative Ashley Tackett Laferty
(12/10/2021)

AN ACT relating to workers' compensation. Amend KRS 342.020 to require an employer to pay for

medical benefits at the time of injury and thereafter during disability instead of 780 weeks; amend KRS 342.990 to conform.
(Prefiled by the sponsor(s).)

BR317 - Representative Ashley Tackett Laferty
(12/10/2021)

AN ACT relating to the taxation of retirement distributions.
Amend KRS 141.019, relating to the individual income tax, to increase the retirement distribution exclusion from \$31,110 to \$41,110 for taxable years beginning on or after January 1, 2022.
(Prefiled by the sponsor(s).)

BR318 - Representative Ashley Tackett Laferty
(12/10/2021)

AN ACT relating to a tax credit for volunteer firefighters. Create a new section of KRS Chapter 141 to establish a refundable income tax credit for certain volunteer firefighters; declare the purpose of the credit; require annual reporting to the Legislative Research Commission to evaluate the impact of the credit; amend KRS 141.0205 to provide the ordering of the credit; amend KRS 131.190 to allow confidential tax return information to be shared with the Legislative Research Commission.
(Prefiled by the sponsor(s).)

BR319 - Representative Ashley Tackett Laferty
(12/10/2021)

AN ACT relating to occupational disease claims.
Amend KRS 342.125 to remove the requirement that an affected employee previously diagnosed with occupational pneumoconiosis resulting from exposure to coal dust must have an additional two years of employment in the Commonwealth wherein the employee was continuously exposed to the hazards of the disease in order to reopen a claim.
(Prefiled by the sponsor(s).)

BR320 - Representative Ashley Tackett Laferty
(12/10/2021)

AN ACT relating to workers' compensation.
Amend KRS 342.315 to eliminate the requirement that physicians contracting with the commissioner of the Department of Workers' Claims to perform evaluations in occupational disease claims be "B" readers who are licensed in Kentucky and are board-certified pulmonary specialists; amend KRS 342.316 to allow the commissioner to select a physician or medical facility for referral in occupational disease claims and eliminate the requirement that such physicians be "B" readers who are licensed in Kentucky and are board-certified pulmonary specialists; amend KRS 342.794 to delete the definition of "board-certified pulmonary specialist" and eliminate the requirement that physicians on the list of qualified "B" readers maintained by the commissioner include only those licensed in Kentucky and board-certified pulmonary specialists.
(Prefiled by the sponsor(s).)

BR321 - Representative Ashley Tackett Laferty

(12/10/2021)

AN ACT relating to paramedic education and making an appropriation therefor.
Create a new section of KRS 164.740 to 164.7891 to establish a coal-county paramedic scholarship to be administered by KHEAA; establish a fund in the State Treasury to be administered by KHEAA for providing coal-county paramedic scholarships; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR322 - Representative Attica Scott
(10/27/2021)

AN ACT relating to income assistance and making an appropriation therefor.
Create a new section of KRS Chapter 205 to define "eligible recipient" "gross income," "taxable year," and "universal basic income"; create the universal basic income fund within the State Treasury and provide that money remaining in the fund at the end of the fiscal year shall not lapse but will be carried forward into the next fiscal year; establish a universal basic income of \$1,000 per month payable from the fund to any eligible recipient unless his or her reported gross income exceeds 100% of the median per capita income for his or her county of residence; establish a Kentucky workers' transitional income of \$500 per month payable from the fund to any person who was receiving the universal basic income but became ineligible because his or her reported gross income exceeds 100% of the median per capita income of his or her county of residence for up to 24 months or until his or her reported gross income exceeds 200% of the median per capita income of his or her county of residence; require; that receipt of the universal basic income shall not be considered taxable income or be considered in calculating state tax credits or offset any liabilities or preclude the recipient from receiving other public assistance; amend KRS 141.019 to exclude the universal basic income in calculating a taxpayer's adjusted gross income; APPROPRIATION.
(Prefiled by the sponsor(s).)

BR329 - Representative Walker Wood Thomas
(12/2/2021)

AN ACT relating to ophthalmic dispensers.
Amend KRS 326.080 to require the license renewal fee for practicing ophthalmic dispensing to be established by the Kentucky Board of Ophthalmic Dispensers through promulgation of administrative regulation.
(Prefiled by the sponsor(s).)

BR334 - Representative Norma Kirk-McCormick
(9/9/2021)

AN ACT relating to the Licensed Professional Counseling Compact.
Create a new section within KRS Chapter 335.500 to 335.599 to declare the purpose of the Licensed Professional Counseling Compact; establish definitions; establish requirements for states that want to enter the compact; recognize a multistate licensure privilege to practice for licensed professional counselors; establish provisions for active duty military personnel or their spouses; recognize a multistate licensure privilege to

practice for licensed professional counselors in any member state via telehealth; establish procedures for adverse actions a home and member state can take against a licensed professional counselor; create the Counseling Compact Commission; establish and elect an executive committee; provide immunity for party states, officers, employees, or representatives of the commission who act in accordance with the compact; require the commission to create, maintain, operate and use a coordinated database and reporting system containing, licensure, adverse actions, and investigative information on all licensed individuals in member states; establish procedures for rulemaking; authorize the commission to attempt to resolve disputes related to the compact that arise among member states and between member and non-member states; allow the compact to go into effect on the date the compact is enacted into law in the tenth member state; establish withdrawal procedures for a member state that withdraws from the compact; provide severability for any provision in the compact that is contrary to the constitution of any party state or of the United States or the applicability to any government, agency, person, or circumstance.
(Prefiled by the sponsor(s).)

BR341 - Representative Jerry Miller
(10/20/2021)

AN ACT relating to actuarial investigations.
Amend KRS 21.440, 61.670, 78.784, and 161.400 to require the Legislators' Retirement Plan, the Judicial Retirement Plan, the Kentucky Retirement Systems, the County Employees Retirement System, and the Teachers' Retirement System to perform an actuarial investigation of economic assumptions once every two years rather than once every five years while retaining a review of demographic assumptions once every five years; amend KRS 78.784 to require the County Employees Retirement System to provide a projection/analysis over a 30-year period rather than a 20-year period regarding projections in the annual actuarial valuation and as it relates to experience studies, assumption changes, and other changes made by the boards of each system; require the first actuarial investigation of economic assumptions to occur prior to 2023 actuarial valuations.
(Prefiled by the sponsor(s).)

BR348 - Representative Norma Kirk-McCormick
(8/6/2021)

AN ACT relating to the operation of a motor vehicle using a bioptic device.
Amend KRS 186.578 to provide options for in-state and out-of-state drivers coming to Kentucky regarding the removal of a daytime-only restriction in the licensee's previous state for drivers using a bioptic device; amend KRS 186.579 to comply and to specify the evaluations must be performed by the Office of Vocational Rehabilitation.
(Prefiled by the sponsor(s).)

BR353 - Representative Felicia Rabourn, Representative Savannah Maddox, Representative Shane Baker, Representative Lynn Bechler, Representative Kevin Bratcher, Representative Josh Calloway, Representative Jennifer Decker, Representative Ryan Dotson, Representative Mark Hart, Representative Regina Huff,

Representative Thomas Huff, Representative William Lawrence, Representative Matt Lockett
(8/23/2021)

AN ACT relating to workers' compensation and declaring an emergency.

Amend KRS 342.0011 to define "COVID-19"; create a new section of KRS Chapter 342 to establish workers' compensation liability in instances where employers require vaccination against COVID-19 as a condition of employment and the employee develops an adverse reaction to the vaccine; create a rebuttable presumption that an adverse reaction was caused by the COVID-19 vaccine if it was not present prior to and arises within 14 days of receipt of the vaccine; retroactive to December 14, 2020; EMERGENCY.

(Prefiled by the sponsor(s).)

BR358 - Representative Lynn Bechler, Representative Mark Hart, Representative Thomas Huff
(8/18/2021)

AN ACT relating to immunizations.

Amend KRS 344.010 to define "immunization"; amend KRS 344.040 to prohibit employers from discriminating against an individual who declines immunization or requiring immunization as a condition of employment or inquiring as to the employee's immunization status; create a new section of KRS Chapter 338 to prohibit an employer from requiring an employee or applicant for employment to be immunized or inquiring regarding immunization status.

(Prefiled by the sponsor(s).)

BR359 - Representative Lynn Bechler, Representative Mark Hart, Representative Thomas Huff, Representative Savannah Maddox, Representative Felicia Rabourn
(8/16/2021)

AN ACT relating to facial coverings in educational settings.

Amend KRS 199.896 to provide that the license or certification of a child-care center shall not be refused or revoked for refusing to require facial coverings; amend KRS 199.898 to provide that parents and guardians of children enrolled in licensed, certified, or publicly funded child care facilities have a right to refuse facial coverings on behalf of their children without any retribution; create a new section of KRS Chapter 158 to prohibit requiring facial coverings on any public school premises, on school-sponsored transportation, or at a school-sponsored event; create a new section of KRS Chapter 164 to prohibit requiring facial coverings on property owned, leased, or operated by public postsecondary education institutions; provide exceptions for healthcare licensing board requirements imposed prior to January 1, 2020, and clinical research settings.

(Prefiled by the sponsor(s).)

BR360 - Representative Attica Scott
(10/26/2021)

AN ACT relating to school food programs.

Establish a new section of KRS Chapter 158 to require the Kentucky Department of Education to pay for any costs not reimbursed by federal funds for the operation of the federal school breakfast and lunch programs.

(Prefiled by the sponsor(s).)

BR362 - Representative Jim Gooch Jr.
(11/16/2021)

AN ACT relating to liability protection in emergencies. Amend KRS 39A.275 to eliminate certain liability protections if an owner requires employees to receive a vaccination against COVID-19 and an employee suffers a severe adverse reaction as a result.

(Prefiled by the sponsor(s).)

BR367 - Representative Kim King
(8/13/2021)

AN ACT relating to pari-mutuel tax.

Amend KRS 138.510 to impose a 1.5% surtax on historical horse races, on or after October 1, 2022; amend KRS 138.513 to impose a 2.5% surtax on advance deposit account wagers; amend KRS 138.530 and 230.750 to conform.

(Prefiled by the sponsor(s).)

BR370 - Senator David Yates
(9/1/2021)

AN ACT relating to theft of mail matter.

Amend KRS 514.140 to include common carriers and delivery services in protection against theft of mail matter.

(Prefiled by the sponsor(s).)

BR372 - Representative Cherlynn Stevenson
(12/3/2021)

AN ACT relating to coverage for hepatitis C virus infection testing and treatment in pregnant women. Create a new section of Subtitle 17A of KRS Chapter 304 to require health benefit plans to provide coverage for testing and treatment of hepatitis C virus infection in pregnant women; amend KRS 164.2871, 205.522, 205.6485, and 18A.225 to require self-insured employer plans provided by state postsecondary institutions, Medicaid, KCHIP, and the state employee health plan to comply with the hepatitis C virus infection coverage requirement; require the Cabinet for Health and Family Services to seek federal approval if they determine that such approval is necessary; EFFECTIVE, in part, January 1, 2023.

(Prefiled by the sponsor(s).)

BR376 - Representative Cherlynn Stevenson
(9/1/2021)

AN ACT relating to chronic pain treatments.

Create a new section of Subtitle 17A of KRS Chapter 304 to establish that any health benefit plan issued or renewed in the Commonwealth that provides coverage for hospital, medical, or surgical expenses shall include coverage for chronic pain treatments provided by a licensed professional; create a new section of KRS Chapter 205 to require Medicaid and Medicaid managed care organizations to include coverage for chronic pain treatments provided by a licensed professional; amend KRS 218A.172 to require that a health care practitioner discuss and refer or prescribe alternative chronic pain treatments before initially prescribing or dispensing a controlled substance; EFFECTIVE January 1, 2023.

(Prefiled by the sponsor(s).)

BR377 - Representative Cherlynn Stevenson, Representative Buddy Wheatley
(9/1/2021)

AN ACT relating to family care leave.

Amend KRS 337.010 to define "family care leave," "family member," "health care provider", "same employer," and "serious health condition"; create a new section of KRS Chapter 337 to prohibit employers from preventing an employee to take family care leave; to entitle employee to family care leave for the birth of a child or to take care of a family member and establish parameters.

(Prefiled by the sponsor(s).)

BR379 - Representative Cherlynn Stevenson, Representative Rachel Roberts
(9/1/2021)

AN ACT relating to health care to provide for an all-payer claims database and making an appropriation therefor. Create a new section of KRS Chapter 194A to require the executive director of the Office of Health Data and Analytics to establish an advisory committee to make recommendations regarding the creation and implementation of a Kentucky all-payer claims database; establish the Kentucky all-payer claims database fund; require the executive director to establish the database if certain conditions are met; set forth requirements for the database; amend KRS 304.2-100 to require the commissioner of the Department of Insurance to assist; create a new section of Subtitle 99 of KRS Chapter 304 to require the commissioner to promulgate administrative regulations designating the assessment of a fine for persons that do not comply with reporting requirements; establish short title; permit the executive director to make an application for a grant under 42 U.S.C. sec. 247d-11; APPROPRIATION.

(Prefiled by the sponsor(s).)

BR383 - Representative Mark Hart
(12/9/2021)

AN ACT relating to historic properties.

Amend KRS 11.027 to grant the General Assembly final approval over any removal or placement of a statue, bust, plaque, or any comparable memorial on the first floor of the New State Capitol.

(Prefiled by the sponsor(s).)

BR384 - Representative Mark Hart, Representative Lynn Bechler, Representative Felicia Rabourn
(9/1/2021)

AN ACT prohibiting vaccination requirements for postsecondary education students.

Create a new section of KRS Chapter 164 to prohibit a public postsecondary educational institution from requiring a student to receive certain vaccinations unless the student is participating in an educational program that involves the delivery of health care services.

(Prefiled by the sponsor(s).)

BR407 - Representative Nima Kulkarni, Representative Samara Heavrin
(10/29/2021)

AN ACT relating to unemployment insurance. Amend KRS 341.370 to prohibit disqualification from benefits for workers unemployed as a result of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking; amend KRS 341.530 to charge benefits to pooled account for workers displaced from employment through domestic or dating violence and abuse, sexual assault, or stalking; amend KRS 341.125 to require the secretary to provide training to personnel who process claims related to domestic or dating violence and abuse, sexual assault, or stalking and to report to the Legislative Research Commission annually the number of claims paid involving domestic or dating violence and abuse, sexual assault, or stalking; amend KRS 341.360 to conform; amend KRS 341.550 to prevent benefit payments from pooled account from impacting an employer's experience rating; and create a new section of KRS Chapter 341 to direct the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations.
(Prefiled by the sponsor(s).)

BR424 - Representative Buddy Wheatley
(12/9/2021)

AN ACT relating to retirement benefits for state and county employees in hazardous positions. Create a new section of KRS 16.505 to 16.652 to change the retirement benefits for members participating in the State Police Retirement System (SPRS) or in a hazardous position in either the Kentucky Employees Retirement System (KERS) or County Employees Retirement System (CERS) who are hired after January 1, 2014, but before January 1, 2023, so that, in lieu of continued participation in the hybrid cash balance plan (Tier 3 benefits), these members receive the benefits provided to members in a hazardous position who began participating immediately prior to January 1, 2014 (Tier 2 benefits); for members participating in a hazardous position who are subject to a change from Tier 3 to Tier 2 benefits, presume that service credit in a hazardous duty position earned after January 1, 2014, is service credit earned immediately prior to January 1, 2014, and require that accumulated contributions remain in the member's account, although any employer credit will be transferred to the retirement allowance account; allow a member participating in a hazardous position subject to a change from Tier 3 to Tier 2 benefits to make a one-time election to opt out of the change of benefits, to be made for an actively employed member, no later than January 31, 2023, or for a member returning to a qualified position, within 30 days of returning to employment; establish exclusions; amend KRS 16.576, 16.577, and 78.5514 to allow a new member who begins participating in SPRS or in a hazardous position in KERS or CERS on or after January 1, 2023, or a member who is eligible under Section 1 of the Act, to calculate retirement allowance using the same benefit factors and service credit as those members in a hazardous position who began participating immediately prior to January 1, 2014 (Tier 2 members); amend KRS 16.583 and 78.5516 to limit the hybrid cash balance plan (Tier 3 benefits) only to members participating in SPRS or in hazardous positions in KERS or CERS who make an election to opt out of Tier 2 benefits

under Section 1 of the Act or who make an election, prior to the effective date of the Act, under KRS 61.5955; amend KRS 61.5955 to provide that only a member in a nonhazardous position who began participating in KERS or CERS as a Tier 2 member may elect to receive Tier 3 benefits in the hybrid cash balance plan in lieu of Tier 2 benefits; amend KRS 16.505, 61.510, and 78.510 to amend definitions of various terms to conform and make technical changes; amend KRS 16.560, 61.575, and 78.640 to allow interest credited on the accounts of members participating in SPRS or in a hazardous position in KERS or CERS to be adjusted to conform; amend KRS 16.578 to allow a beneficiary of a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to receive the same death benefits as a Tier 2 member; amend KRS 16.582 and 78.5524 to allow a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act to receive the same disability benefits as a Tier 2 member; amend KRS 61.546 and 78.616 to allow a member participating in SPRS or in a hazardous position in KERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to receive the same service credit for unused sick leave as a Tier 2 member; amend KRS 61.552 to allow a member participating in SPRS or in a hazardous position in KERS or CERS, who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, who is also vested, to purchase service credit; amend KRS 61.597 and 78.5512 to permit early retirement from both the Tier 2 and Tier 3 plans for a member eligible for Tier 2 hazardous benefits under Section 1 of the Act, who also has nonhazardous service credit as a Tier 3 member of either KERS or CERS; amend KRS 61.615 and 78.5528 to allow, if a disability retirement allowance is reduced or discontinued, for a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to apply for early retirement benefits as provided for and subject to the same limitations as Tier 2 members; amend KRS 61.680 to require that a member who is eligible under Section 1 of the Act and who has nonhazardous service credit as a Tier 3 member of either KERS or CERS to have his or her nonhazardous and hazardous service consolidated to determine eligibility and benefits; amend KRS 78.545 to add Section 1 of this Act as one of the provisions that shall be administered for the CERS in the same manner as for the KERS.
(Prefiled by the sponsor(s).)

BR427 - Representative Attica Scott
(9/13/2021)

AN ACT relating to curriculum. Amend KRS 156.160 to require public middle and high school curriculum to include instruction on the history of racism.
(Prefiled by the sponsor(s).)

BR430 - Representative Thomas Huff, Representative Lynn Bechler, Representative Kevin Bratcher, Representative Jennifer Decker, Representative Ryan Dotson, Representative Russell Webber, Representative Richard White
(8/30/2021)

AN ACT relating to death benefits for first responders, making an appropriation therefor, and declaring an emergency. Amend KRS 61.315 to create a presumption that first responders who die of COVID-19 do so while in the line of duty and thus qualify for death benefits; apply subsection retroactively; APPROPRIATION; EMERGENCY.
(Prefiled by the sponsor(s).)

BR432 - Representative Richard White
(9/2/2021)

AN ACT relating to workers' compensation and declaring an emergency. Amend KRS 342.0011 to define "COVID-19"; create a new section of KRS Chapter 342 to establish workers' compensation liability in instances where employers require vaccination against COVID-19 as a condition of employment and the employee develops an adverse reaction to the vaccine; create a rebuttable presumption that an adverse reaction was caused by the COVID-19 vaccine if it was not present prior to and arises within 14 days of receipt of the vaccine; retroactive to December 14, 2020; EMERGENCY.
(Prefiled by the sponsor(s).)

BR434 - Representative Melinda Prunty
(12/10/2021)

AN ACT relating to emergency services. Amend KRS 205.590 to establish a new technical advisory committee on emergency medical services consisting of members representing the air medical industry, the Kentucky Board of Emergency Services, emergency medical services billing industry, and ground ambulance providers.
(Prefiled by the sponsor(s).)

BR440 - Representative Kevin Bratcher, Representative Ken Fleming, Representative Jerry Miller, Representative Jason Nemes
(9/2/2021)

AN ACT relating to school resource officers. Amend KRS 158.4414 to require the assignment of school resource officers to schools by August 1, 2022.
(Prefiled by the sponsor(s).)

BR483 - Senator John Schickel
(10/28/2021)

AN ACT relating to school bus lighting. Create a new section of KRS Chapter 156 to allow the installation of auxiliary lighting on school buses; establish auxiliary lighting use restriction; require the Kentucky Department of Education to establish standards and specifications.
(Prefiled by the sponsor(s).)

BR490 - Senator John Schickel, Senator Paul Hornback
(10/7/2021)

AN ACT relating to labeling requirements for fresh produce. Amend KRS 217.015 to create a definition for "fresh produce"; create a new section of KRS 217.005 to 217.215 to require retail food stores to provide state of origin and

season of harvest information for fresh produce.
(Prefiled by the sponsor(s).)

BR491 - Representative Bill Wesley
(12/3/2021)

AN ACT relating to public health.
Create a new section of KRS Chapter 214 to exempt places of worship and religiously-affiliated schools and day care centers from vaccine and face covering requirements.
(Prefiled by the sponsor(s).)

BR494 - Representative Jeffery Donohue
(12/6/2021)

AN ACT relating to economic development incentive projects.
Amend KRS 154.22-040, 154.32-020, 154.32-010, 154.34-110, 154.12-204, 154.60-020, 154.28-080, 154.23-025 and 154.24-090 to update employee wage requirements for employers and businesses receiving economic development tax incentives.
(Prefiled by the sponsor(s).)

BR495 - Representative Jeffery Donohue
(12/6/2021)

AN ACT relating to solid waste and making an appropriation therefor.
Create new sections of Subchapter 43 of KRS chapter 224 to define “biodegradable,” “contained in,” “disposal,” “extended producer responsibility,” “EPR working group,” “full cost accounting,” “Kentucky Packaging Stewardship Program,” “Kentucky Pride Fund,” “packaging material,” “packaging waste,” “person,” “plastic material,” “priority waste control list,” “producer,” “producer responsibility fees,” “minimum recyclable content standard,” “sold,” and “waste reduction target”; authorize and set a timetable by which the Kentucky Energy and Environment cabinet will promulgate administrative regulations to implement a program that internalizes the cost of packaging wastes to the producer of the waste called the Kentucky Packaging Stewardship Program; establish goals and considerations when implementing the program through its regulatory authority; authorize the cabinet to set waste reduction targets and minimum recyclable content standards under an extended producer responsibility designation made by the cabinet; authorize the cabinet to impose producer responsibility fees to pay for the disposal, recycling, or additional treatment of packaging wastes contributed to the solid waste stream by the producer; emphasize plastic wastes; allow the producer to reduce its exposure under the program by compliance with the waste reduction and recyclable content standards; establish goals for grants made under the Kentucky Pride Program using the producer responsibility fees; require the cabinet to characterize the waste stream, set categories for the types of packaging wastes, and place the top ten packaging wastes as prioritized by the cabinet under an extended producer responsibility designation; authorize the cabinet to set up a working group of producers under the extended producer responsibility designation which shall serve as an advisory group to the cabinet; amend KRS 224.10-620 to include packaging waste in the state environmental education program implemented by the Kentucky Department of Education and define terms; amend KRS 224.43-310 to include waste reduction

targets and minimum recyclable content standards in the tools to reduce solid waste disposed of at landfills in the Commonwealth; include information about the Kentucky Packaging Stewardship Program in the triennial update on solid waste submitted by the cabinet to the Governor and the General Assembly; add the goals and priorities under the program to inform definitions made in grants and loans; allow for maximum disposal capacity limitations as a tool for achieving waste reduction targets under an extended producer responsibility designation; include in the cabinet’s report to the Governor and the General Assembly information on the number and categories of extended producer responsibility designations, amount of producer fees remitted, waste reduction targets and recyclable content standards along with actuals for the review; progress in meeting the goals of the Kentucky Packaging Stewardship Program; and define terms; amend KRS 224.43-505 to authorize the producer responsibility fees to be deposited into the Pride Fund and allow for grants to be made from the fund in accordance with the goals of the Kentucky Packaging Stewardship Program and the Pride Program; allow for conditioning of grants and revocation and recovering of grants for failure to comply with the program requirements; allow for reimbursement of costs to implement the program above the \$750,000 cap; define terms.
(Prefiled by the sponsor(s).)

BR496 - Representative John Blanton, Representative James Tipton, Representative Buddy Wheatley, Representative Lisa Willner
(9/22/2021)

AN ACT relating to occupational exposure to COVID-19 and declaring an emergency.
Extend the provisions of paragraph 3 of 2020 Executive Order 2020-277, related to temporary disability from occupational exposure to COVID-19 from September 7, 2021, to January 31, 2023; EMERGENCY.
(Prefiled by the sponsor(s).)

BR824 - Representative Jeffery Donohue
(12/6/2021)

AN ACT relating to tax credits for airport noise mitigation.
Create a new section of KRS Chapter 141 to establish a refundable income tax credit for the costs of mitigating noise from a commercial airport for taxable years beginning on or after January 1, 2022, but before January 1, 2026; amend KRS 131.190 to allow the department to report nonidentifying information on the credit to the Commission; amend KRS 141.0205 to order the credit.
(Prefiled by the sponsor(s).)

BR825 - Representative Joseph Fischer
(12/10/2021)

AN ACT relating to settlements involving minors and declaring an emergency.
Create a new section of KRS 387.010 to 387.280 to establish a new procedure for legal settlements with a minor when the amount of the settlement is \$25,000 or less; amend KRS 387.280 to conform.
(Prefiled by the sponsor(s).)

BR826 - Representative Mary Lou Marzian, Representative Lisa Willner

(9/29/2021)

AN ACT relating to reproductive privacy and declaring an emergency.
Create new sections of KRS Chapter 311 to establish legislative findings; to provide every individual the right to choose or refuse contraception, sterilization, to carry a pregnancy to term, give birth to a child, or terminate a pregnancy; EMERGENCY.
(Prefiled by the sponsor(s).)

BR831 - Representative Melinda Prunty
(12/9/2021)

AN ACT relating to supplemental payments to police officers.
Amend KRS 15.420 to include certain local and Commonwealth employees within the definition “police officer”; amend KRS 15.440 to include certain task forces, departments and agencies within the definition of eligible unit of government; ensure that the eligible units will be reimbursed for administrative costs and retirement contributions.
(Prefiled by the sponsor(s).)

BR832 - Representative Danny Bentley, Representative Joseph Fischer
(10/19/2021)

AN ACT relating to DNA.
Create a new section of KRS Chapter 311 to regulate the collection, use, and transfer of human DNA samples; create penalties for violations of the prohibitions; state the Act shall be known as the Protecting DNA Privacy Act.
(Prefiled by the sponsor(s).)

BR840 - Representative Jerry Miller, Representative Killian Timoney
(12/6/2021)

AN ACT relating to contributions made to a Kentucky qualified educational expense program.
Amend KRS 141.019 to allow a tax exclusion of amounts contributed to a qualified educational expense program as defined in 26 U.S.C. sec. 529, effective for taxable years beginning on or after January 1, 2022; amend KRS 131.190 to allow reporting of credits; add a new section to KRS Chapter 141 to provide employers a tax credit for contributions to an employee’s Kentucky Educational Savings Plan Trust; amend KRS 141.0205 to specify ordering of credits; create a new section of KRS 164A.300 to 164A.380 relating to the Kentucky Educational Savings Plan Trust, to require reporting to the Department of Revenue of refunds and amounts paid for purposes other than higher education costs.
(Prefiled by the sponsor(s).)

BR847 - Senator Karen Berg
(12/10/2021)

AN ACT relating to firearms.
Amend KRS 16.220 to require the destruction of confiscated firearms; amend various sections to conform.
(Prefiled by the sponsor(s).)

BR850 - Representative Patti Minter
(12/9/2021)

AN ACT relating to disabled persons.
Amend KRS 387.350, relating to determination of disability and appointment of a guardian or conservator, to create additional requirements for petition; amend KRS 387.580 to add specific findings to be made at a hearing; amend KRS 387.600 to make recognition of the respondent's power of attorney discretionary; amend KRS 387.610 to reduce duration of a renewed appointment; amend KRS 387.620 to clarify procedure for an informal request; require jury trials to modify an order; specify that an order may include visitation arrangements and limitation of the ward's ability to enter into a contract; amend KRS 387.640 and 387.660 to specify duties of the Cabinet for Health and Family Services if that cabinet is a guardian or limited guardian; create a new section of KRS Chapter 387 to require the attorney for the respondent in a hearing to determine whether legal actions are in effect and to inform the respondent of his or her right to petition for modification.
(Prefiled by the sponsor(s).)

BR853 - Representative Attica Scott
(11/22/2021)

AN ACT relating to historical instruction.
Create a new section of KRS Chapter 158 to require African history instruction in certain middle and high school world history and civilization courses; require Native American history instruction in certain middle and high school United States history courses; require the Kentucky Board of Education to promulgate administrative regulations establishing academic standards for the required historical instructions; require local school boards to adopt curricula for required instruction; require the Department of Education to collaborate with the Kentucky African American Heritage and the Kentucky Native American Heritage Commission to develop recommended curricula and instruction guidelines for the required historical instruction, elective high school course offerings in African history and Native American history, and relevant professional development materials.
(Prefiled by the sponsor(s).)

BR866 - Representative Attica Scott
(12/10/2021)

AN ACT relating to wrongful conviction compensation and making an appropriation therefor.
Create a new section of KRS Chapter 411 to establish a cause of action for a person who was wrongfully convicted of a felony in the Commonwealth; create a new section of KRS Chapter 23A to establish a new 10 dollar fee to be assessed in criminal cases; create a new section of KRS Chapter 24A to establish a new 10 dollar fee to be assessed in criminal cases; create a new section of KRS Chapter 411 to establish the wrongful conviction compensation fund; amend KRS 141.019 to exclude funds received from the wrongful conviction compensation fund from adjusted gross income.
(Prefiled by the sponsor(s).)

BR867 - Representative Thomas Huff
(12/2/2021)

AN ACT relating to motor vehicles.
Amend KRS 186A.115 to exempt motor vehicles that are more than ten years old that meet the definition of a salvage vehicle from rebuilt title inspection requirements; amend KRS 186A.530 to require that owners of vehicles that are exempt from rebuilt title inspections submit an affidavit that the vehicle is in roadworthy condition.
(Prefiled by the sponsor(s).)

BR900 - Representative Nancy Tate
(11/23/2021)

AN ACT relating to real property disclosures.
Amend KRS 324.360 to include proximity to a military installation on the seller's disclosure of conditions form.
(Prefiled by the sponsor(s).)

BR910 - Representative Steve Riley
(12/9/2021)

AN ACT relating to corporal punishment in schools.
Create a new section of KRS 158.440 to 158.449 to define "corporal punishment"; prohibit a person employed by a school district from using corporal physical discipline; amend KRS 158.444 to remove corporal punishment as a form of discipline in a school; amend KRS 503.110 to remove the exception that permitted the use of physical force by a teacher against a minor.
(Prefiled by the sponsor(s).)

BR911 - Representative Steve Riley
(12/9/2021)

AN ACT relating to preschool education programs.
Amend KRS 157.320 to define "at risk"; amend KRS 157.3175 to expand eligibility for preschool education programs to children who reside in households with an income at or below 200% of the federal poverty level.
(Prefiled by the sponsor(s).)

BR913 - Representative Derek Lewis
(12/2/2021)

AN ACT relating to the emergency administration of medication in schools.
Amend KRS 158.838 to include naloxone among the medications each school shall have an employee trained to administer or to assist with self-administration; require training for naloxone; make conforming changes.
(Prefiled by the sponsor(s).)

BR925 - Representative Nima Kulkarni
(12/10/2021)

AN ACT relating to actions for forcible entry and detainer.
Create new section of KRS Chapter 383 to provide automatic expungement of records in actions for forcible entry and detainer; amend KRS 383.250 to provide for sealing of records.
(Prefiled by the sponsor(s).)

BR926 - Representative Nima Kulkarni
(12/10/2021)

AN ACT relating to abandoned property.
Amend KRS 383.020 to specify duties of landlord with respect to abandoned personal property.
(Prefiled by the sponsor(s).)

BR945 - Representative Danny Bentley
(11/23/2021)

AN ACT relating to coverage for diabetes treatment.
Amend KRS 304.17A-148 to require that cost sharing for noninsulin drugs and certain equipment and supplies necessary for the treatment of diabetes not exceed certain cost-sharing thresholds; prohibit insurers from conducting or imposing utilization review for diabetes treatment prescribed by a health care provider; EFFECTIVE January 1, 2023.
(Prefiled by the sponsor(s).)

BR947 - Representative Regina Huff
(12/9/2021)

AN ACT relating to local school board meetings.
Amend KRS 160.270 to require a public comment period at local board of education meetings.
(Prefiled by the sponsor(s).)

BR952 - Representative Jim DuPlessis
(12/10/2021)

AN ACT relating to elections.
Establish new chapter KRS Chapter 118C and create new sections of chapter to establish a system of electing the offices of Commonwealth's attorney, circuit clerk, county attorney, county clerk, sheriff, jailer, and coroner under a nonpartisan system; amend KRS 118.215, 118.315, 118.225, 118.325, and 118.115 to conform; EFFECTIVE JANUARY 1, 2023.
(Prefiled by the sponsor(s).)

BR954 - Senator Brandon Smith
(11/5/2021)

AN ACT relating to special purpose depository institutions.
Create a new Subtitle 12 of KRS Chapter 286 to establish special purpose depository institutions that engage in a nonlending banking business; establish findings and purposes for subtitle; provide for the organization, powers, and chartering of the institution; require directors to take oaths; establish capital, bonding, contingency, and insurance requirements; establish requirements for offering depository accounts and other services; provide that certain provisions of Subtitle 3 of KRS Chapter 286 shall apply to the institutions; establish branching requirements for in-state and out-of-state institutions; provide for administrative appeals; require the commissioner of financial institutions to adopt administrative regulations to implement the subtitle; establish administrative penalties and procedures for violations of the subtitle; establish when the commissioner shall close an institution for liquidation; establish procedures for voluntary dissolution; amend KRS 286.1-011 and 286.2-685 to conform; amend KRS 286.2-040 to allow the commissioner to examine special purpose depository institution service providers; require the commissioner to promulgate administrative regulations to implement the Act on or before October 1, 2022; EFFECTIVE, in part, on October 1, 2022.
(Prefiled by the sponsor(s).)

BR955 - Senator Brandon Smith
(11/5/2021)

AN ACT relating to digital assets.

Establish KRS Chapter 355A and create new sections thereof to define and establish property classifications for digital assets; supplement and modify provisions of the Uniform Commercial Code, KRS Chapter 355, relating to the classification, perfection, and priority of digital assets; allow debtors located in Kentucky to file a financial statement with the Secretary of State to perfect a security interest in a digital asset; establish when a transferee takes a digital asset free of any security interest perfected by filing; for purposes of Article 9 of KRS Chapter 355, establish when digital assets are located in Kentucky; classify open blockchain tokens with certain characteristics as intangible personal property; require developers and sellers of certain open blockchain tokens to file a notice of intent with the Secretary of State, and pay a filing fee, prior to sale in this state; require the Secretary of State to promulgate forms and make the forms accessible to filers; require facilitators of certain open blockchain tokens in the resale market to comply with certain requirements; establish penalties for violation of the section; provide that the Secretary of State may make referrals to law enforcement agencies; provide that section may be cited as the Kentucky Utility Token Act; create a new section of Subtitle 2 of KRS Chapter 286 to permit certain Kentucky financial institutions to elect to provide custodial services of customer currency and digital assets in accordance with the provisions of the section; establish internal control and customer contracting requirements for providing custodial services under the section; provide that digital assets held in custody under the section are not depository liabilities or assets of the financial institution; require the commissioner of financial institutions to establish a supervision fee; create a new section of Article 1 of KRS Chapter 355 to conform; amend KRS 369.103 to include transactions involving digital assets; provide that the Secretary of State and the commissioner of financial institutions shall promulgate administrative regulations to implement the Act on or before October 1, 2022; EFFECTIVE, in part, October 1, 2022.
(Prefiled by the sponsor(s).)

BR961 - Representative Matt Lockett, Representative Jason Petrie, Representative Jerry Miller, Representative Walker Wood Thomas
(11/18/2021)

Apply to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraint on the federal government, limit the powers and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress; direct the Secretary of State to send copies of the joint resolution to certain federal and state officials; state that the application should be continuing until the legislatures of at least two-thirds of the states have made applications on the subject.
(Prefiled by the sponsor(s).)

BR966 - Representative Savannah Maddox
(12/9/2021)

AN ACT relating to firearms.
Amend KRS 237.109 to lower the age requirement for carrying a concealed and deadly weapon from 21 to 18; amend KRS 237.110 to conform.
(Prefiled by the sponsor(s).)

BR967 - Representative Savannah Maddox
(12/9/2021)

AN ACT relating to public contracts.
Create a new section of KRS 45A.343 to 45A.460 to prohibit a governmental body or political subdivision of this state from entering into contracts valued at or above \$100,000 with a company that has ten or more employees and discriminates against firearm entities or firearm trade associations; set forth what does and does not constitute discrimination; exempt sole proprietorships.
(Prefiled by the sponsor(s).)

BR969 - Representative Savannah Maddox
(12/9/2021)

AN ACT relating to concealed deadly weapons.
Repeal KRS 237.115, which interprets the application of the license to carry concealed deadly weapon statute as permitting postsecondary facilities, local governments, and units of state government to limit concealed carry in governmental buildings, to ensure that those entities cannot prohibit the carrying of concealed deadly weapons; amend various sections to conform.
(Prefiled by the sponsor(s).)

BR970 - Representative Nancy Tate
(12/10/2021)

AN ACT relating to elections.
Create a new section of KRS Chapter 45A to require any contractor who has a contract related to election administration with this state to disclose to the Attorney General and Secretary of State the substance of any communication directed to the contractor or his or her employee, made by an entity or person from a foreign country, federal government agency, or federal official; prohibit any state employee, governmental entity, or governmental agency of this state from accepting private monetary funds to assist with election administration unless entered into as a lawful contract for goods or services; create a new section of KRS Chapter 65 to require any contractor who has a contract related to election administration with local governments of this state to disclose to the Attorney General and Secretary of State the substance of any communication directed to the contractor, or his or her employee, made by an entity or person from a foreign country, federal government agency, or federal official; prohibit any local government of this state from accepting private monetary funds to assist with election administration unless entered into as a lawful contract for goods or services; amend KRS 116.045 to prohibit any county clerk or employee of any local government in this state from accepting any private monetary funds to assist with voter registration activities; amend KRS 117.015 to prohibit the State Board of Elections from accepting any private monetary funds for election administration unless accepted as part of a valid contract for goods and services; require an employee or member of the State Board of Elections to disclose in writing to the Attorney General and Secretary of State any

communication related to election administration by a person or entity of a foreign country, federal government agency, or federal official; amend KRS 117.125 to prohibit voting equipment and voting systems from being capable of connecting to a public network, including the Internet; amend KRS 117.155 to require the county clerk to ensure that the voting equipment or voting system used in an election is not connected to a public network, including the Internet; amend KRS 117.995 to create a Class D felony for each offense of a person who knowingly and willfully directly connects, or attempts to directly connect, a voting system or voting equipment to a public network, including the Internet; and amend KRS 117.275 to prohibit the transmission by an election official any election results to any person or entity, except those persons, officials, or entities authorized by law to receive it.
(Prefiled by the sponsor(s).)

BR971 - Representative Ken Fleming
(12/9/2021)

AN ACT relating to veterans' income taxation.
Create a new section of KRS Chapter 141 to establish a deduction of the first year's income for veterans who remain or move into this state immediately upon exit from the Armed Forces and maintain residency in this state for a minimum of three consecutive years thereafter; amend KRS 141.019 to allow for the deduction; amend KRS 131.190 to allow reporting of the deduction by the Department of Revenue to the Legislative Research Commission.
(Prefiled by the sponsor(s).)

BR972 - Representative Shane Baker
(12/7/2021)

AN ACT relating to the civil liberties of parents and children and declaring an emergency.
Create new section of KRS Chapter 214 to define "child"; prohibit required or coerced COVID-19 vaccination of a child without the consent of all parents, custodians, and guardians; prohibit retaliation, additional requirements, limitation of activity, or reduction in health care benefit for a child not vaccinated for COVID-19; authorize legal action and civil penalties for violations; EMERGENCY.
(Prefiled by the sponsor(s).)

BR973 - Representative Regina Huff
(12/9/2021)

AN ACT relating to high school graduation requirements.
Create a new section of KRS Chapter 158 to require completion of the Free Application for Federal Student Aid form as a high school graduation requirement; provide waiver options for meeting the requirement; require local boards of education to develop policies and procedures to assist students in completing the requirement; require the Kentucky Department of Education to develop a process for local districts to report student data.
(Prefiled by the sponsor(s).)

BR983 - Representative Josh Calloway
(12/10/2021)

AN ACT relating to controlled substances.
Amend KRS 218A.010 to define "kratom"; amend KRS 218A.1412 to include kratom to the list of controlled

substances that are unlawful to traffic; amend KRS 218A.1415 to include kratom in the list of controlled substances that are unlawful for a person to possess. (Prefiled by the sponsor(s).)

BR984 - Representative Ryan Dotson, Representative Bill Wesley
(12/10/2021)

AN ACT relating to constables.
Create a new section of KRS Ch. 70 detailing legislative findings in regards to constables; create a new section of KRS Ch. 70 providing definitions; create a new section of KRS Ch. 70 establishing the Constable Certification Program, course components and length, operating procedures; require promulgation of administrative regulations, frequency of program, funding to be provided from KLEPF fund, establish in-service training requirements for certified graduates; require county board of elections to notify Constable's Association of any elected or appointed constable within 60 days, require the Department of Criminal Justice Training to maintain records of training, designate any constable who does not complete the program as "non-certified;" require Kentucky Constable's Association to maintain a list of certified and non-certified members; amend KRS 17.190 to include "certified constable or deputy constable; amend KRS 61.315 to include constable or deputy constables; include constables and deputy constables within certain benefits programs for line of duty incidents; amend KRS 61.362 to include constables; amend KRS 64.190 allow constables the same fees for services as sheriffs; amend KRS 64.250 removing provisions relating to officials in counties over 250,000; amend KRS 70.310 establish bond requirements for constables at \$10,000; amend KRS 70.320 establish formula for constables in counties greater than 50,000 to appoint deputy constables; define salary for deputy constables; require that deputy constables be and remain certified; amend KRS 189.910 to include certified constable's or deputy constable's vehicles within definition of "emergency vehicle;" amend KRS 189.920 to require that these vehicles be equipped with blue lights, allow non-certified constables to have blue lights if authorized; amend KRS 189.450 to replace "police" with "peace;" include constables and deputy constables within the exemptions of the section; amend KRS 189.950 to remove certain requirements for blue lights; amend KRS 431.005 to include certified constables or deputy constables; amend KRS 431.007 to include certified constables or deputy constables, and exclude non-certified constables or deputy constables; repeal KRS 64.200 and 70.430; short title. (Prefiled by the sponsor(s).)

BR991 - Representative Joseph Fischer
(12/10/2021)

AN ACT relating to delinquency proceedings involving insurer-members of federal home loan banks.
Amend KRS 304.33-030 to define terms and make technical corrections; create a new section of Subtitle 33 of KRS Chapter 304 for insurer delinquency proceedings relating to federal home loan bank security interests; amend KRS 304.33-050 and 304.33-170 to conform; amend KRS 304.33-240 to prohibit a liquidator from disavowing, rejecting, or repudiating certain security

interests of federal home loan banks; amend KRS 304.33-290 to except certain transfers, or obligation to transfer, from insurer-members to federal home loan banks from being deemed fraudulent and avoidable; amend KRS 304.33-310 to prohibit a liquidator from avoiding preference under, or in connection with, certain federal home loan bank security interests.
(Prefiled by the sponsor(s).)

BR1003 - Representative Derek Lewis, Representative Brandon Reed
(12/2/2021)

AN ACT relating to reading diagnostic and intervention grants and declaring an emergency.
Amend KRS 158.792 to include the employment of reading interventionists as a purpose of the reading diagnostic and intervention fund; prevent the state board of education from limiting grant recipients from expending grant funds for authorized purposes; direct that grant applications currently under consideration shall be subject to this Act; EMERGENCY.
(Prefiled by the sponsor(s).)

BR1031 - Representative Melinda Prunty
(12/10/2021)

AN ACT relating to firearms.
Amend KRS 527.040 to include receiving a pardon from the governor of another state as a basis for removing the prohibition of possession of a handgun.
(Prefiled by the sponsor(s).)

BR1034 - Representative Danny Bentley
(12/1/2021)

AN ACT relating to the opioid abatement trust fund.
Amend KRS 15.293 to provide that funds received from bankruptcy proceedings shall also be allocated to the Opioid abatement trust fund and local governments; specify that any named defendant in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio is to be included as well.
(Prefiled by the sponsor(s).)

BR1042 - Representative Daniel Fister
(12/3/2021)

AN ACT relating to moments of silence and reflection.
Amend KRS 158.175 to require moments of silence or reflection at the start of each school day and establish guidelines.
(Prefiled by the sponsor(s).)

BR1044 - Representative Ryan Dotson
(12/9/2021)

AN ACT relating to an exclusion from income tax for police officers.
Amend KRS 141.019 to exclude the income earned by an individual while on active duty as a police officer.
(Prefiled by the sponsor(s).)

BR1046 - Representative Thomas Huff, Representative Shane Baker, Representative Lynn Bechler, Representative

Kevin Bratcher, Representative Savannah Maddox, Representative Felicia Rabourn, Representative Russell Webber, Representative Richard White
(11/19/2021)

AN ACT relating to the control of vehicular traffic.
Amend KRS 56.580 to prohibit closing portions of Capital Avenue in Frankfort.
(Prefiled by the sponsor(s).)

BR1049 - Representative Ken Fleming, Representative Lisa Willner, Representative Danny Bentley
(12/9/2021)

AN ACT relating to court-ordered mental health treatment.
Amend KRS 202A.0811 to clarify that the respondent be evaluated by a mental health professional and not examined, specify where and by when a qualified mental health professional's findings shall be certified, and specify when a date for a hearing shall be set; amend KRS 202A.0815 to expand the class of individuals who can have access to assisted outpatient treatment by modifying the criteria requirements for court-ordered assisted outpatient treatment.
(Prefiled by the sponsor(s).)

BR1060 - Representative Buddy Wheatley
(12/8/2021)

AN ACT relating to elections.
Amend KRS 116.055 to allow a registered independent the ability to vote in the primary of one political party; amend KRS 117.125 to provide that voting equipment be adjusted to allow independents to vote in the primary of one political party; amend KRS 118.015 to define "registered independent"; amend KRS 118.125 and KRS 118.571 to conform.
(Prefiled by the sponsor(s).)

BR1062 - Representative Nancy Tate
(11/30/2021)

Memorialize the forty-ninth anniversary of the Roe v. Wade decision that legalized abortion.
(Prefiled by the sponsor(s).)

BR1063 - Representative Ken Fleming, Representative Lisa Willner, Representative Danny Bentley
(12/9/2021)

Require mental health professional licensure boards to either enter into an interstate compact or to ease or establish reciprocity procedures to increase the mental health workforce in Kentucky; report to the General Assembly; EMERGENCY
(Prefiled by the sponsor(s).)

BR1064 - Representative Tina Bojanowski
(12/8/2021)

AN ACT related to a tax credit for educator expense.
Amend KRS 141.019 to allow taxpayers to include the federal deduction for educator expenses in adjusted gross income; create a new section of KRS Chapter 141 to establish a nonrefundable educator expense credit for taxable years beginning on or after January 1, 2022; allow for a dollar-for-dollar credit with a maximum of \$250 per eligible educator for unreimbursed eligible educator

expenses that are incurred during the taxable year; amend KRS 141.0205 to order the income tax credit; amend KRS 131.190 to allow for the reporting of the credit.
(Prefiled by the sponsor(s).)

BR1069 - Representative Nancy Tate
(12/10/2021)

Support the Hyde Amendment and encourage its adoption by the United States Congress.
(Prefiled by the sponsor(s).)

BR1075 - Representative Kevin Bratcher
(12/10/2021)

AN ACT relating to retiree health benefits for hazardous duty members.
Amend KRS 61.702 and 78.5536 to increase the hazardous duty under age 65 retiree health subsidy to \$40 per month for each year of hazardous duty service for those career hazardous members of the Kentucky Employees Retirement System, County Employees Retirement System, and the State Police Retirement System who began participating in the system on or after July 1, 2003, who are eligible for a fixed-dollar retiree health subsidy not tied to the premium; define “career hazardous employee”; provide that the change shall apply to hazardous service earned prior to the effective date of this Act by eligible members, including retirees and shall continue to be adjusted annually by the 1.5% increase currently provided by statute; specify that changes to subsidies payable to impacted retirees shall begin on or after January 1, 2023, to coincide with the next health plan year; RETROACTIVE.
(Prefiled by the sponsor(s).)

BR1076 - Senator John Schickel
(12/1/2021)

Commemorate the 70th wedding anniversary of Joseph and Mary Ruth Kunkel of Boone County.
(Prefiled by the sponsor(s).)

BR1080 - Representative Tina Bojanowski
(12/9/2021)

AN ACT relating to student assessment and declaring an emergency.
Amend KRS 158.6453 to define a “series of interim assessments”; provide that the statewide assessment program may be composed of a series of interim assessments if approved by the United States Department of Education; require the results of an assessment that is part of a series of summative assessments to be reported to the school within one month of the assessment date; make conforming amendments; require the commissioner of education to apply to the United States Department of Education for a waiver to the requirement of a single, summative assessment required by the Every Student Succeeds Act; EMERGENCY.
(Prefiled by the sponsor(s).)

BR1081 - Representative Tina Bojanowski
(12/9/2021)

AN ACT relating to the Collaborative Center for Literacy Development.
Amend KRS 164.0207 to provide that the funding for the

Collaborative Center for Literacy Development shall be contingent the center fulfilling the statutory duties set forth in this Act; provide that the center’s annual report shall summarize the action taken by the center to fulfill each of its statutory duties; provide that the KDE shall review the annual report to determine whether the center has fulfilled each of its statutory duties; provide that the center shall be subject to a probationary period of 1 year if the department determines the center is not fulfilling each of its statutory duties; require the State Treasurer to withhold all funding allocations to the center for the remainder of the biennium budget if the center has not fulfilled its statutory duties by the end of the probationary period.
(Prefiled by the sponsor(s).)

BR1082 - Representative Attica Scott
(12/9/2021)

AN ACT relating to rent control in development areas.
Create a new section of KRS Chapter 65.500 to 65.506, permitting the governing body of a consolidated local government to enact rent control ordinances in a development area.
(Prefiled by the sponsor(s).)

BR1085 - Representative Tina Bojanowski
(12/9/2021)

AN ACT relating to dyslexia.
Amend KRS 158.307 to require rather than allow local boards of education to develop policy on dyslexia; require rather than allow the policy to include listed items; change the study project period from three to six years and allow up to six districts to participate instead of three; amend KRS 164.304 to require postsecondary institutions offering teacher preparation programs to include instruction on dyslexia by the 2023-2024 school year, rather than the instruction being contingent on funding availability.
(Prefiled by the sponsor(s).)

BR1086 - Representative Tina Bojanowski
(12/8/2021)

AN ACT relating to identity documents.
Amend KRS 186.412 to require the Transportation Cabinet to promulgate administrative regulations to establish procedures and forms to allow an individual without a fixed, permanent address to submit a form signed by a shelter, health care facility, or other social service agency attesting to the applicant’s residence for the purpose of issuance of a renewal operator’s license or an initial or renewal personal ID card; amend KRS 186.4122 and 186.4123 to conform; amend KRS 186.531 to allow the Transportation Cabinet to enter into billing arrangements with social service agencies for payment of client’s fees.
(Prefiled by the sponsor(s).)

BR1095 - Representative Savannah Maddox,
Representative Kim Banta
(12/9/2021)

AN ACT relating to freedom of speech at public postsecondary education institutions.
Amend KRS 164.348 to define “institution,” “public,” and “staff”; require an institution to adopt a policy to not restrict off-campus speech; extend free speech protections to staff and the public; provide that student religious and

political organizations shall be afforded equal access to facilities; provide that authority vested with a student organization to distribute student organization funding shall be contingent on viewpoint-neutral distribution of those funds; provide that there shall be no buffer zones to outdoor areas used as traditional public forums; reduce institution’s authority to establish permit requirements; specify how an institution defines student-on-student harassment; waive immunity for claims brought under the Act; permit disciplinary action against a faculty member or administrator that knowingly and intentionally restricts the protected speech of another; suspend the distribution authority of a student organization that does not distribute student organization funding in accordance with the Act; prohibit retaliation against campus community members; require Council on Postsecondary Education to develop free speech instructional materials and model trainings for institutions; require institutions to present free speech instructional materials and trainings to designated individuals; require institutions to publish semiannual student organization funding reports; designate the required contents of the semiannual student organization funding report.
(Prefiled by the sponsor(s).)

BR1097 - Representative Russell Webber
(12/10/2021)

AN ACT relating to unemployment insurance and declaring an emergency.
Amend KRS 341.030 to suspend any increase in the taxable wage base for calendar year 2022 and utilize the taxable wage base in effect for the 2020 year; amend KRS 341.270 to indicate that employer contribution rates in 2022 shall be determined using the rates listed in Schedule A of Table A; amend KRS 341.614 to provide there will be no surcharge assessment for 2022; retroactively to January 1, 2022; EMERGENCY.
(Prefiled by the sponsor(s).)

BR1102 - Representative Myron Dossett
(12/3/2021)

AN ACT relating to allowing the Freedom Flag to be flown as a Flag of Remembrance each September 11, which is known as Patriots Day.
Create a new section of KRS Chapter 2 to allow the Freedom Flag to be flown as a Flag of Remembrance each September 11.
(Prefiled by the sponsor(s).)

BR1112 - Representative Jeffery Donohue
(12/6/2021)

AN ACT relating to bus operation safety.
Create a new section of KRS Chapter 158 to require the Department of Education to develop, in cooperation with the Transportation Cabinet, a risk reduction program for school bus operators; outline requirements of the program; outline school district implementation requirements; require reporting of assaults; specify that the provisions also apply to public charter schools; require the Department of Education to promulgate administrative regulations; create a new section of KRS Chapter 281 to require the Transportation Cabinet to develop a risk reduction program for commercial bus operators; outline requirements; outline implementation

requirements; require reporting of assaults; amend KRS 281.990 to establish an initial penalty of \$5,000 for failure to implement the program required; if program is not implemented 14 days after the initial penalty is assessed, an additional fee of \$250 per day shall be assessed until implementation.
(Prefiled by the sponsor(s).)

BR1124 - Representative Cherlynn Stevenson
(12/3/2021)

AN ACT relating to state symbols.
Create a new section of KRS Chapter 2 to name and designate as the official pets of Kentucky domestic cats and dogs that reside in or have been adopted from Kentucky animal shelters or rescue organizations.
(Prefiled by the sponsor(s).)

BR1137 - Representative Felicia Rabourn, Representative Kim Banta
(12/10/2021)

AN ACT relating to public funds.
Create a new section of KRS Chapter 48 to prohibit all federal, state, and local tax dollars from being used for lobbying purposes; define “lobbying,” “public agency,” and “public agent”; create a new section of KRS 6.601 to 6.849 to permit a person to file a complaint with the Legislative Ethics Commission if a person or entity is using federal, state, or local dollars for lobbying purposes; amend KRS 6.611 to include in the definition of “legislative agent” any public agent who lobbies for a public agency; amend KRS 6.691 to allow the Legislative Ethics Commission to issue a fine of no less than \$2,000 but no more than \$10,000 to any public agency or public agency that uses federal, state, or local dollars for lobbying purposes; amend KRS 6.945 to exempt these lobbying restrictions from the requirements of KRS 6.945.
(Prefiled by the sponsor(s).)

BR1143 - Representative Josie Raymond
(12/10/2021)

AN ACT relating to individual-directed care at the end of life.

Create new sections of KRS Chapter 311 to define terms; establish a qualified terminally ill individual’s right to voluntarily request medication to self-administer to cause death; require conditions for making request; permit individual to rescind request at any time; permit an attending health care provider to provide medication; establish requirements for attending health care provider to inform individuals and document request; require disposal of unused medications; establish residency requirements for qualified individuals; require report by the Cabinet for Health and Family Services; establish provisions for contracts, insurance policies, and beneficiaries; state that a health care provider is not required to provide medication to a qualified individual; permit health care providers to prohibit persons or entities from participating in a qualified individual’s request during or on the premises of employment; prohibit reporting a health care provider to a licensing board for participating in a qualified individual’s request; state that actions do not constitute suicide or homicide; create a form for a qualified individual to make a request; create a new section of Subchapter 12 of KRS Chapter 304 to establish provisions for insurance policies

and beneficiaries of qualified individuals; amend KRS 507.020 and KRS 507.030 to create an affirmative defense to a charge of murder and manslaughter in the first degree; provide a severability clause; create the short title, the “Kentucky Our Care, Our Options Act.”
(Prefiled by the sponsor(s).)

BR1149 - Representative Chris Freeland
(12/9/2021)

AN ACT relating to the ad valorem taxation of prefabricated home inventories.
Amend KRS 132.010 to define “manufactured home,” “modular home,” and “prefabricated home”; amend the definition of “mobile home”; amend KRS 132.200 to exempt prefabricated homes held in a manufacturer’s or retailer’s inventory from local property taxes; apply to property assessed on or after January 1, 2023.
(Prefiled by the sponsor(s).)

BR1150 - Representative Myron Dossett
(12/10/2021)

AN ACT relating to the delivery of education and declaring an emergency.
Specify that school districts that implemented a test-to-stay program for students and staff under 2021 (1st Extra. Sess.) Ky Acts ch. 4, sec. 4, can require no more than five consecutive calendar days of testing; provide that if the fifth day occurs on a nonschool or nonwork day, the student or staff member shall test upon his or her return to school or work; EMERGENCY.
(Prefiled by the sponsor(s).)

BR1151 - Representative Myron Dossett
(12/10/2021)

AN ACT relating to the delivery of education and declaring an emergency.
Specify that school districts that implemented a test-to-stay program for students and staff under 2021 (1st Extra. Sess.) Ky Acts ch. 4, sec. 4, shall ensure that no less than two testing sites be available within the county to test students and school staff; EMERGENCY.
(Prefiled by the sponsor(s).)

BR1164 - Representative Jeffery Donohue
(12/9/2021)

AN ACT relating to railroads.
Create a new section of KRS Chapter 277 to require two-person crews on trains or light engines used in connection with the movement of freight; establish civil penalties for failure to have a two-person crew.
(Prefiled by the sponsor(s).)

BR1165 - Representative Jeffery Donohue
(12/9/2021)

AN ACT relating to public procurement.
Create a new section of KRS Chapter 45A defining “manufactured in Kentucky”, “manufactured in the United States”, require a preference for iron, steel, and manufactured goods made in Kentucky in construction and maintenance contracts and subcontracts, provide for a waiver of the Kentucky preference requirement, require preference for iron, steel, and manufactured goods made

in the United States if the Kentucky waiver is granted, provide for a waiver of the United States preference requirement; establish a short title of “Kentucky Buy American Act”; amend KRS 45A.343, 45A.352, 65.027, 162.070, 164A.575, 176.080, and 424.260 to conform.
(Prefiled by the sponsor(s).)

BR1167 - Representative Jeffery Donohue
(12/6/2021)

AN ACT relating to employment.
Amend KRS 336.130 to delete references restricting rights of public employees to organize, associate collectively, or strike; amend KRS 336.180 to redefine “labor organization” and delete definitions of “employer” and “employee”; amend KRS 336.990 to conform; amend KRS 67A.6904 to allow urban-county governments to make an agreement with a labor organization to require membership in the organization as a condition of employment; amend KRS 67C.406 to allow consolidated local governments to make an agreement with a labor organization to require membership in the organization as a condition of employment; amend KRS 70.262, KRS 78.470 and KRS 78.480 to remove exceptions; amend KRS 345.050 to allow public employers to make an agreement with a labor organization to require membership in the organization as a condition of employment; repeal KRS 65.016, 336.132 and 336.134.
(Prefiled by the sponsor(s).)

BR1169 - Representative Josie Raymond
(12/10/2021)

AN ACT proposing an Amendment to Section 29 of the Constitution of Kentucky relating to citizen ballot initiatives.
Propose to amend Section 29 of the Constitution of Kentucky to establish the initiative power of the people to propose laws and to enact or reject proposed initiatives at an election; establish procedures for initiatives, effect of adopted initiatives, and parameters for the subject of any initiative; provide ballot language; submit to voters for ratification or rejection.
(Prefiled by the sponsor(s).)

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* - denotes primary sponsorship of BRs

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