

1 AN ACT relating to the creation of the Race and Access to Opportunity Committee
2 of the Kentucky General Assembly.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) The Race and Access to Opportunity Committee of the Kentucky General*
7 *Assembly is hereby created. The purpose of the committee shall be to review,*
8 *analyze, and report to the General Assembly on areas of existing barriers to*
9 *minority success and empowerment and improving access to services and*
10 *opportunities for minority communities in the areas of education, economic*
11 *opportunity, and criminal justice;*

12 *(2) The committee shall be composed of eleven (11) members and shall include three*
13 *(3) members of the House of Representatives appointed by the Speaker, one (1) of*
14 *whom shall be appointed as a co-chair; one (1) member of the minority party in*
15 *the House of Representatives appointed by the Minority Floor Leader; three (3)*
16 *members of the Senate appointed by the President, one (1) of whom shall be*
17 *appointed as a co-chair; one (1) member of the minority party in the Senate*
18 *appointed by the Minority Floor Leader; one (1) citizen member appointed by the*
19 *President of the Senate; one (1) citizen member appointed by the Speaker of the*
20 *House of Representatives; and the Executive Director of the Kentucky*
21 *Commission on Human Rights. Citizen members shall have experience in*
22 *education, economic development, or the law. Citizen members shall serve three*
23 *(3) year terms and shall not serve more than two (2) consecutive three (3) year*
24 *terms on the committee. Citizen members shall not be members of the General*
25 *Assembly or otherwise employed by a state agency. Any vacancy which may occur*
26 *in the membership of the committee shall be filled by the appointing authority*
27 *who made the original appointment;*

- 1 (3) The committee shall meet monthly;
- 2 (4) The co-chairs of the committee shall have joint responsibilities for committee
3 meeting agendas and presiding at committee meetings. A monthly meeting may
4 be cancelled by the agreement of both co-chairs;
- 5 (5) The committee shall issue a written report to the Legislative Research
6 Commission on or before December 1st of each year regarding findings and
7 recommendations of the committee;
- 8 (6) Non-legislator members of the committee shall be entitled to reimbursement for
9 expenses incurred in the performance of their duties;
- 10 (7) Any professional, clerical, or other employees required by the committee shall be
11 provided in accordance with KRS 7.090(4) and (5);
- 12 (8) Upon request of the committee, a state agency shall make available to the
13 committee existing studies, surveys, plans, data, and other materials in the
14 possession of any state agency for the purpose of studying:
- 15 (a) Whether and how a criminal justice statute, regulation, or practice has a
16 disproportionate or unique impact on racial and ethnic communities;
- 17 (b) The rationale for any such disproportionate or unique impact; and
- 18 (c) An estimate of how the criminal justice statute, regulation, or practice
19 affects:
- 20 1. The racial and ethnic composition of the criminal offender
21 population;
- 22 2. Correctional facilities and services for racial and ethnic minorities;
- 23 3. The adjudication of criminal and juvenile justice matters involving
24 racial and ethnic minorities;
- 25 4. Public safety in racial and ethnic communities and the actual and
26 potential victims in those communities; and
- 27 5. A statement of the methodologies and assumptions used in preparing

1 the estimate;

2 (9) A majority of the entire membership of the Race and Access to Opportunity
 3 Committee shall constitute a quorum, and all actions of the committee shall be by
 4 vote of a majority of its entire membership; and

5 (10) The Race and Access to Opportunity Committee may conduct public hearings in
 6 furtherance of its general purposes at places designated by it, at which hearings it
 7 may request the appearance of officials of any state agency and solicit the
 8 testimony of interested groups and the general public.

9 ➔Section 2. KRS 18A.030 is amended to read as follows:

10 (1) The secretary shall be the executive and administrative head of the cabinet and shall
 11 supervise and control all examinations and work of the cabinet. He shall advise the
 12 board on matters pertaining to the classified service of this state. Within the
 13 limitations of the budget, the secretary shall appoint and supervise the staff needed
 14 in the cabinet to carry out the purposes of KRS 18A.005 to 18A.200 except
 15 employees of the board who shall be appointed as provided in KRS 18A.090.

16 (2) Subject to the provisions of this chapter and KRS Chapter 13A, the secretary shall,
 17 with the aid of his staff:

18 (a) Attend all meetings of the board;

19 (b) As provided by this chapter, promulgate comprehensive administrative
 20 regulations consistent with the provisions of KRS Chapters 13A and 18A, and
 21 with federal standards for the administration of a personnel system in the
 22 agencies of the state government receiving federal grants;

23 (c) Establish general procedures for personnel recruitment, for certification, and
 24 for improving the efficiency of employed personnel;

25 (d) Appoint the examiners and technicians necessary for the conduct of the
 26 personnel program, whether on a permanent or temporary basis;

27 (e) Prepare and maintain a record of all employees, showing for each employee

- 1 his name, address, title of position held, rate of compensation, changes in
2 status, compensation, or title, transfer, and to make the data and the class
3 specifications for all positions available to the press and public;
- 4 (f) Prepare, in accordance with the provisions of KRS 18A.005 to 18A.200 and
5 the administrative regulations adopted thereunder, examinations, eligible lists,
6 and ratings of candidates for appointment;
- 7 (g) Make certification for appointment or promotion within the classified service,
8 in accordance with the provisions of KRS 18A.005 to 18A.200;
- 9 (h) Make investigations concerning all matters touching the enforcement and
10 effect of the provisions of KRS 18A.005 to 18A.200 and administrative
11 regulations prescribed thereunder;
- 12 (i) Prepare, in cooperation with appointing authorities and others, programs for
13 employee training, safety, morale, work motivation, health, counseling, and
14 welfare, and exercise leadership in the development of effective personnel
15 administration within the several departments of the Commonwealth, and
16 make available the facilities of the department to this end;
- 17 (j) Provide personnel services to unclassified employees in agreement with the
18 agencies involved not otherwise provided for in KRS 18A.005 to 18A.200;
- 19 (k) Present, in accordance with the provisions of KRS Chapter 48, budget
20 requests for the support of the personnel system created by KRS 18A.005 to
21 18A.200, excluding the board, which shall present its own budget estimates;
- 22 (l) Make a report that shall include demographic information on state
23 employees by program cabinet and department of the executive branch of
24 state government and submit the same to the board, the Race and Access to
25 Opportunity Committee, the Legislative Research Commission, and the
26 Governor not later than October first of each year;
- 27 (m) Propose selection method changes for any classification to the Personnel

1 Board with documentation justifying the need for the selection method
2 change. The Personnel Board shall, at its next regularly scheduled monthly
3 meeting, review and comment on any proposed selection method change. A
4 classification shall not have its selection method changed without review and
5 comment by the Personnel Board; and

6 (n) Discharge the other duties imposed upon him by KRS 18A.005 to 18A.200.

7 (3) The secretary on behalf of the cabinet may join or subscribe to any association or
8 service having as its purpose the interchange of information relating to the
9 improvement of the public service and especially improvement of personnel
10 administration.

11 (4) The secretary shall keep records relative to employee turnover and report to the
12 board, the Governor, and the Legislative Research Commission quarterly. The
13 report shall reflect employee turnover rates by cabinet, department, bureau, division,
14 and section. If any cabinet, department, bureau, division, or section has a turnover
15 rate of fifteen percent (15%) or more in any twelve (12) month period, the secretary
16 shall conduct an investigation into the reasons for the turnover and report the
17 findings to the board, the Governor, and the Legislative Research Commission.

18 (5) The secretary shall provide to each new state employee and to each existing state
19 employee, classified or otherwise, on an annual basis an informational pamphlet
20 about human immunodeficiency virus infection and acquired immunodeficiency
21 syndrome. The pamphlet shall be approved by the Cabinet for Health and Family
22 Services and shall contain information about the nature and extent of these diseases,
23 methods of transmission, preventive measures, and referral services.

24 (6) The secretary shall establish and maintain a list of all filled positions exempted
25 from classified service under KRS 18A.115(1) (e), (g), (h), (i), (k), (t), (w), (aa), and
26 (ab). The list shall include the following information for each filled position:

27 (a) The name of the agency where the position is assigned;

- 1 (b) The statutory authority for the unclassified status of the position;
- 2 (c) The title of the position;
- 3 (d) The pay grade of the position;
- 4 (e) The annual salary of the employee in the position; and
- 5 (f) The work county of the employee in the position.
- 6 (7) Beginning September 1, 2010, and every six (6) months thereafter, the secretary
- 7 shall provide the Governor and the Legislative Research Commission with a copy
- 8 of the list described in subsection (6) of this section, and shall indicate on the list
- 9 any position that has been added to the list since the last submission.
- 10 (8) The secretary shall perform organizational analysis and review.
- 11 ➔Section 3. KRS 154.12-2035 is amended to read as follows:
- 12 (1) The cabinet shall maintain a searchable electronic database on its Web site
- 13 containing information on the cost and status of the programs listed in subsection
- 14 (3)(a) of this section. The database shall include all projects approved at any time in
- 15 the last five (5) years and shall include for each, where applicable, the following
- 16 information:
- 17 (a) The name of the program, the recipient or participant, the type of project, and
- 18 its location by county;
- 19 (b) Total and approved costs of the project or investment, and the amount of
- 20 incentives or other benefits authorized;
- 21 (c) For the Kentucky Business Investment Program and the Kentucky Enterprise
- 22 Initiative Act, the amount of incentives or other benefits actually recovered as
- 23 self-reported by the recipient;
- 24 (d) The number of new jobs estimated and, for the Kentucky Business Investment
- 25 Program, actually created, along with wage information for those jobs;
- 26 (e) Project status and the date and nature of the most recent activity;~~and~~
- 27 (f) Any other comparable data or information necessary to achieve transparency

1 and accountability for the specified programs; and
2 (g) Beginning January 1, 2022, information voluntarily disclosed to the cabinet
3 by the recipient or participant relating to the racial and ethnic composition
4 of its employees.

5 (2) In addition to the electronic database required in subsection (1) of this section, the
6 cabinet shall prepare an annual report on the programs listed in subsection (3) of
7 this section and make it available on the Cabinet for Economic Development Web
8 site by November 1 of each year. The report shall include all projects approved in
9 the preceding fiscal year and shall provide for these projects the information
10 specified in subsection (1) of this section plus aggregate data for each program,
11 summary evaluations of program activity and effectiveness, and anything required
12 by statute to be reported for any particular program. The report shall also list all
13 projects that were approved in prior years but active at any time in the preceding
14 fiscal year, although for these projects the report need not provide further data. The
15 cabinet shall also submit the report to the Race and Access to Opportunity
16 Committee by November 1st of each year.

17 (3) The following programs shall be subject to the reporting requirements of this
18 section:

19 (a) The electronic database required in subsection (1) of this section shall include
20 the Bluegrass State Skills Corporation, grants-in-aid and skills training
21 investment credit; Kentucky Business Investment Program; Kentucky
22 Enterprise Initiative Act; Office of Entrepreneurship programs; Incentives for
23 Energy Independence Act; Kentucky Economic Development Finance
24 Authority small business and direct loan programs; Kentucky Industrial
25 Revitalization Act; Kentucky Reinvestment Act; Kentucky Small Business
26 Tax Credit; economic development bonds; Kentucky Industrial Development
27 Act; Kentucky Jobs Development Act; Kentucky Jobs Retention Act; the

1 Kentucky Rural Economic Development Act; and

2 (b) The annual report required by subsection (2) of this section shall include all
3 programs listed in paragraph (a) of this subsection plus the Kentucky
4 Investment Fund Act, and tax increment financing, state participation projects.

5 (4) The cabinet shall coordinate with any other agency necessary to supply
6 the information required by this section.

7 ➔Section 4. KRS 211.684 is amended to read as follows:

8 (1) For the purposes of KRS Chapter 211:

9 (a) "Child fatality" means the death of a person under the age of eighteen (18)
10 years;

11 (b) "Local child and maternal fatality response team" and "local team" means a
12 community team composed of representatives of agencies, offices, and
13 institutions that investigate child and maternal deaths, including but not
14 limited to, coroners, social service workers, medical professionals, law
15 enforcement officials, and Commonwealth's and county attorneys; and

16 (c) "Maternal fatality" means the death of a woman within one (1) year of giving
17 birth.

18 (2) The Department for Public Health may establish a state child and maternal fatality
19 review team. The state team may include representatives of public health, social
20 services, law enforcement, prosecution, coroners, health-care providers, and other
21 agencies or professions deemed appropriate by the commissioner of the department.

22 (3) If a state team is created, the duties of the state team may include the following:

23 (a) Develop and distribute a model protocol for local child and maternal fatality
24 response teams for the investigation of child and maternal fatalities;

25 (b) Facilitate the development of local child and maternal fatality response teams
26 which may include, but is not limited to, providing joint training opportunities
27 and, upon request, providing technical assistance;

- 1 (c) Review and approve local protocols prepared and submitted by local teams;
- 2 (d) Receive data and information on child and maternal fatalities and analyze the
- 3 information to identify trends, patterns, and risk factors;
- 4 (e) Evaluate the effectiveness of prevention and intervention strategies adopted;
- 5 and
- 6 (f) Recommend changes in state programs, legislation, administrative regulations,
- 7 policies, budgets, and treatment and service standards which may facilitate
- 8 strategies for prevention and reduce the number of child and maternal
- 9 fatalities.
- 10 (4) The department shall prepare an annual report to be submitted no later than
- 11 November 1 of each year to the Governor, the Child Welfare Oversight and
- 12 Advisory Committee established in KRS 6.943, *the Race and Access to*
- 13 *Opportunity Committee*, the Chief Justice of the Kentucky Supreme Court, and to
- 14 be made available to the citizens of the Commonwealth. The report shall include a
- 15 statistical analysis, *that include the demographics of race, income, and geography*,
- 16 of the incidence and causes of child and maternal fatalities in the Commonwealth
- 17 during the past fiscal year and recommendations for action. The report shall not
- 18 include any information which would identify specific child and maternal fatality
- 19 cases.