



Kentucky Chamber
Uniting Business. Advancing Kentucky.



LEGISLATIVE PRIORITIES TO



KENTUCKY'S WINNING STRATEGY

Introduction

Political divisions and personal differences are increasingly fragmenting our society. However, it is important to recognize our shared identity as Kentuckians. We share a desire for good job opportunities, a growing workforce, healthy communities, population growth, reliable infrastructure, affordability, and quality education. These are foundational principles that not only unite us but support economic success and enhance the quality of life in Kentucky.

The central mission of "Kentucky's Winning Strategy," a new report from the Kentucky Chamber of Commerce, is to unite Kentuckians around these common priorities and a shared vision for our state's economic future. The Chamber's 2024 legislative agenda reflects these priorities and outlines the business community's public policy strategy to help bring this economic vision to life. The agenda covers policy areas such as tax reform, economic development, workforce growth, infrastructure investment, education, health care, and energy and environmental policy. The agenda is crafted by business leaders throughout the state with input gathered through meetings of our members and vetting by our seven policy councils and Board of Directors.

Lawmakers, business leaders, and other stakeholders should join together in pursuit of a shared vision for Kentucky's economic future and build on the recent progress by the General Assembly.

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Public Policy Councils

As the state's premier business advocate, the Kentucky Chamber of Commerce is a recognized and respected voice at the state Capitol. With thousands of members representing every major industry sector, the Chamber's diverse business policy initiatives converge around one goal: to create a healthy, vibrant economy in Kentucky. Ensuring that business has a voice in the legislative process, the Chamber works with local business leaders to identify critical trends and provide a seat at the table as policies are drafted and debated in the halls of the Capitol. As part of its advocacy mission, the Kentucky Chamber has developed seven public policy councils, composed of business leaders from around the state, which are responsible for developing legislative positions and priorities for their respective policy areas.

AGRICULTURE & EQUINE | Chairs: **Gemma Freeman**, Stonestreet Farm and **Anthony Koch**, Hallway Feeds. The agricultural and equine council brings together industry leaders to help develop, guide and advocate policy to strengthen these key sectors of Kentucky's economy.

COMPETITIVENESS | Chair: **Les Fugate, Brown-Forman**

The competitiveness council focuses on all facets of state spending including proposed government efficiencies in the structure of government, public pension and personnel costs, public employee collective bargaining, and other issues. This council also seeks to promote business recruitment, retention and expansion, and to increase competitiveness, not only with our border states, but with competitors around the world. It is actively engaged in policy initiatives aimed at modernizing the economy, creating jobs, and supporting state income and expenditure practices that promote long-term economic growth.

EDUCATION & WORKFORCE | Chair: **John Megibben**, Messer Construction

With a focus on lifelong learning, the education and workforce council works to ensure that Kentucky's economy is fueled by a prepared, productive, and diverse workforce. The council develops policies to support and improve education at all levels.

ENERGY & ENVIRONMENT | Chair: **Mike Buckentin**, Logan Aluminum

The energy and environment council seeks to promote Kentucky as an energy leader and supports policies to achieve environmental protection and sustainability without unnecessarily hindering economic development and business growth. Its members support legislative and administrative actions that are scientifically valid, technically feasible, and economically rational.

HEALTH CARE | Chair: **Rodney Shockley**, Forcht Group of Kentucky

The health care council is focused on developing comprehensive, long-term solutions to help slow the ever-increasing costs of health care in Kentucky and to promote public policies that will help improve the overall health and well-being of Kentucky's citizens.

INFRASTRUCTURE & TECHNOLOGY | Chairs: **Stephanie Bell**, Kinetic by Windstream and **Ryan Lindsey**, CRH Americas Material

Infrastructure is a critical piece of Kentucky's economy supporting numerous manufacturing, logistics, service, and retail businesses. From moving people to moving goods, investment in infrastructure is key to further economic growth. The council is responsible for the formation of the Chamber's state and federal agenda as it relates to infrastructure and will focus on all types of infrastructure including transportation, utility, and broadband.

SMALL BUSINESS | Chair: **Sarah Whitaker**, Branded A Division of Williams Advertising

Small businesses are often disproportionately affected by challenges facing the economy. The small business council focuses on ensuring the broad range of issues of particular importance to small business owners are adequately represented in the Kentucky Chamber's policy development process. Look for the small business symbol (SB) throughout this document to find out which policies the council believes will have the most impact on small business.

ECONOMIC COMPETITIVENESS

Create a Competitive Tax Climate (SB)

The top policy priority of the Kentucky Chamber is building a tax code that can outcompete any state in the nation when it comes to attracting jobs and people, helping businesses expand and families thrive, and providing an abundance of economic opportunity. The Kentucky General Assembly deserves a great deal of credit for the pro-growth steps it has taken to transform the Commonwealth's tax code in recent legislative sessions. In 2018 and 2019, lawmakers reformed income taxes through implementing a flat income tax with a rate of five percent and modernized many of the state's corporate tax provisions. Lawmakers followed up on these reforms in 2022 by implementing in statute a process for phasing out the state's individual income tax through a series of revenue triggers, which have been successfully utilized in other states like North Carolina. Measures such as these have dramatically improved the Commonwealth's economic competitiveness and have allowed Kentucky to increase its investments in state services such as education, economic development, and health care.

Tax reform in Kentucky, however, should be a continuous conversation and reflect the realities of a changing economy. As Kentucky has worked to build a competitive tax code, other states – including key competitor states like Indiana and Tennessee – have also been hard at work to incorporate pro-growth changes to their own tax codes. These states have taken further steps to reduce their reliance on income-based taxes, make taxation fairer, simpler and transparent, encourage business investment, and increase private-sector productivity. Kentucky therefore cannot remain idle and rest on its laurels. The important work of tax reform must remain the legislature's top economic policy priority.

In 2021, the Chamber announced a new partnership with the Tax Foundation, a nonpartisan think-tank in Washington, D.C., focused on pro-growth state tax reform. The Chamber and experts at the Tax Foundation will work together to enact reforms in Kentucky to drive the competitiveness of our tax climate to outcompete neighboring states for businesses, jobs, and workers. A key component of this partnership was a comprehensive analysis of Kentucky's tax code that resulted in a major report published by the Tax Foundation titled, "Aligning Kentucky's Tax Code for Growth." This report can be found on the Chamber's website. It provides dozens of key recommendations for reform by the Tax Foundation and meticulously illustrates how Kentucky's tax code compares to those of other states. In 2022, the Chamber released additional analysis and recommended specific reforms based on the Tax Foundation's report.

Looking ahead to future legislative sessions, Kentucky's business community will be pursuing a range of reforms, all with the goal of putting the Commonwealth on a trajectory of sustainable, long-term growth. Broadly, the Chamber believes reforms should conform to the following principles:

- **Support growth and competitiveness.** Kentucky's state and local tax system should support growth-oriented tax policies that improve the competitiveness of Kentucky businesses in the national and global marketplace.
- **Protect state investments.** Kentucky cannot simply cut or reform its way out of current funding challenges. However, Kentucky should improve competitiveness while producing net new revenue to support education, workforce development, and many other needs.
- **Reduce the cost of capital.** The tax code should encourage investment as it is the key to increased growth and productivity and higher wages for Kentuckians.

- **Simplify the tax code.** The tax code should be simplified with the goal of reducing compliance costs for the private sector. Complex taxes impose costs on businesses that either reduce the return on investment or are passed on to consumers and workers.
- **Promote fairness (SB).** Kentucky's tax system should promote fairness by creating a level playing field on which Kentucky businesses can compete. Double taxation, or pyramiding, should be prohibited, and tax expenditures should be carefully studied to determine effectiveness. Taxpayer rights should be enhanced and enforced to promote fundamental fairness in the application of tax laws.

Specific Tax Reform Policy Proposals Supported by the Chamber Include the Following (SB):

- **Follow through on phasing out the state individual income tax.** House Bill 8 from the 2022 legislative session is a long-game policy that has the potential to make Kentucky one of just a handful of states that do not tax individual income. States such as Texas and Tennessee that already forgo individual income taxes have benefited significantly, seeing on average higher rates of growth for population, GDP, and personal income than states with income taxes. This legislation required state officials to conduct annual assessments of the revenue triggers established under the law. The legislature should ensure this process is done as transparently as possible. The law also requires action by the General Assembly to implement income tax rate reductions when the revenue triggers are met in 2024 and in the years that follow. The Chamber encourages lawmakers to act promptly and consistently to reduce rates when the annual review process by DOR shows that the trigger conditions have been satisfied. As the bill works to phase out Kentucky's individual income tax over time through economic growth and rising state revenues, lawmakers should routinely review it and consider ways to improve it, including potential changes to the bill's revenue triggers. The Chamber is also supportive of adjustments to other revenue generators, such as measured changes to sales taxes and property taxes, to accomplish the goal of phasing out the individual income tax more quickly, provided that these adjustments are made fairly and do not make Kentucky an economic outlier.
- **Avoid tax pyramiding and taxing business inputs while expanding the sales tax base.** The Chamber strongly discourages applying the sales tax to business inputs. Such practices lead to artificial price inflation, raise costs for employers, and decrease the state's economic competitiveness. Lawmakers should closely scrutinize past and future expansions of the sales tax base to avoid tax pyramiding and ensure rules, guidance, and definitions related to sales taxes are clear and unambiguous. According to the Council on State Taxation, 43 percent of Kentucky sales tax revenues are derived from taxing business inputs. This is considerably higher than Indiana, where business inputs make up 32 percent of sales tax revenues. Provided that the sales tax is not applied to business inputs or is applied in a way that harms economic competitiveness, the Chamber supports a gradual expansion of the sales tax base. NOTE: This was moved up from below and is not new language.
- **Improve Kentucky's tax treatment of business investments.** A key reform recommended by the Tax Foundation involves the tax treatment of business investments. Under current Kentucky law, when a business makes a major capital investment - such as the purchase of new machinery - it is not allowed to expense that investment in the year in which the cost was incurred. Instead, state law requires that businesses expense these investments over time. This practice restricts the ability of a business to recover their costs, discourages investments by making them more expensive, and penalizes capital-intensive industries like manufacturing. Lawmakers should position Kentucky's tax code to make the state a magnet

for investment by following strong economic states like Utah and allowing businesses to fully expense investments in qualified property in the year in which the cost was incurred or, at minimum, allow businesses to expense greater shares of investments up-front than currently permitted by state law.

- **Repeal the Limited Liability Entity Tax.** The Chamber supports the repeal of the Limited Liability Entity Tax, an outdated tax concept that adds unnecessary levels of complexity to the tax code while raising relatively limited amounts of revenue. Short of a full repeal, the Chamber supports reforming the tax by offering more clarity to determine what business expenses qualify as cost of goods sold (COGS) in the limited liability entity tax (LLET) gross profits calculation to make it easier for businesses and tax preparers to comply. To simplify compliance and increase fairness, the Chamber supports aligning Kentucky's COGS definition with that of the COGS definition for federal tax purposes.
- **Reform local tax structures.** The Kentucky Chamber supports giving local governments the flexibility needed to decrease their reliance on occupational licensing taxes. Local tax reform should be included in the broader dialogue centered around tax reform and competitiveness. Should a constitutional amendment be needed to provide more flexibility, assurances should be included in the amendment to protect Kentucky's tax code competitiveness, including language requiring any local sales tax to be administered and levied in the same manner as state sales and use taxes.
- **Improve the inventory tax credit.** Kentucky is one of only 12 states that consider inventories tangible personal property for property tax purposes. This disproportionately impacts inventory-dense industries like manufacturing and favors or even incentivizes companies to maintain inventories in other states. While the General Assembly took an important step to address this problem through the creation of a nonrefundable Inventory Tax Credit, many businesses have not been able to fully utilize it. A key way to enhance the impact of this credit is to make it refundable, which would effectively zero out inventory taxes for businesses without harming local taxing jurisdictions.

Additional Pro-Growth Tax Reforms

- **Maintain a competitive corporate tax rate.** Kentucky currently taxes corporate income at five percent. Lawmakers should closely track other states to ensure that Kentucky's corporate tax rate remains competitive with other states and results in making the Commonwealth an economic outlier.
- **Ensure the effectiveness of Kentucky's pass-through entity tax.** In 2023, lawmakers created a pass-through entity (PTE) tax to allow eligible business owners to pursue federal income tax relief. As employers begin to utilize this new tax option, policymakers should ensure that Kentucky's rules are clear, competitive with other states, and effective.
- **Provide tax relief during natural disasters.** The Chamber appreciates actions by the Kentucky Department of Revenue to provide flexibility in tax filing deadlines and waiving late fees and penalties for businesses and individuals impacted by the 2021 tornados in Western Kentucky and the 2022 floods in Eastern Kentucky. The General Assembly could complement these efforts with two changes to state law. One change would allow businesses to donate inventory purchased with a resale certificate to avoid having to self-assess and remit sales tax if the donations go to support relief efforts in a federally-declared disaster area. Another change would allow DOR to waive interest on late payments in addition to late fees and penalties if the late payment was caused by a natural disaster.

- **Expand and protect Kentucky’s manufacturing sales tax exemptions.** Lawmakers should modernize Kentucky’s manufacturing-related sales tax exemptions to compete with competitor states. This will help avoid tax pyramiding by clarifying their application to modern manufacturing processes as well as by eliminating the limitations on manufacturing machinery and the carve-out for repair, replacement, and spare parts. Kentucky’s manufacturing exemptions have long played a key role in attracting good jobs and manufacturers to the state. It is important that Kentucky maintain this competitive edge and prevent these exemptions from being outdated or watered down.
- **Repeal Kentucky’s inheritance tax.** Kentucky is one of only a small handful of states that tax inheritances. This tax can be disruptive to business structures and encourage some Kentuckians or their beneficiaries to leave the state. The tax raises minimal levels of state revenues and has been hollowed out over time. The Chamber supports its repeal.

Effective Economic Development Incentives

The Chamber supports strategic investment in economic development incentive programs designed to encourage the growth of high-wage jobs, long-term investment in strategically defined industry sectors, and the promotion of small businesses. Further, the Chamber supports the enhancement of entrepreneurial development incentives to encourage innovation and competition in the global marketplace. To strengthen Kentucky’s incentive programs, lawmakers should act on initiatives to expand and strengthen the Kentucky Investment Fund Act and Angel Investor Tax Credit. The Kentucky Reinvestment Act should be expanded to include technology and headquarters reinvestment projects. To ensure maximum effectiveness, accountability, and continuity, the Chamber supports maintaining the public-private partnership board governance structure under which the Cabinet for Economic Development operates. The state should also work to proactively support regional cooperation among local communities to develop placed-based strategies to foster economic growth, address population retention and attraction, and enhance quality of life. While the Chamber is open to careful reviews of economic development incentives in the tax code that fully considers economic impacts and not just state revenue effects, we oppose proposals to automatically sunset state tax incentive programs and require their routine reapproval. This practice could create financial uncertainty for businesses and discourage future economic investment in Kentucky.

Minority Business Enterprises and Economic Opportunity (SB)

Supporting the success of minority-owned business enterprises should be a cornerstone of Kentucky’s strategy to grow our economy. The Chamber applauds the legislature’s establishment of the Commission on Race and Access to Opportunity, which is a key step forward in building a more diverse, equitable, and inclusive economy. To further this goal, the Chamber recommends policies that improve data gathering on the experiences of minority-owned business enterprises in the Commonwealth and encourages lawmakers to leverage this information to support the growth and success of these businesses. As highlighted by the Chamber’s 2021 report, “Achieving Equity to Build a Stronger Kentucky,” this should include the following actions by the General Assembly:

- Directing government agencies and postsecondary institutions to regularly collect and publish data on the race of public contract holders
- Directing the Cabinet for Economic Development to produce an annual report on all of its economic development support programs and resources that includes demographic breakdowns by race, geography, and size of businesses supported. Six months after

completion of the initial review, the Cabinet should recommend administrative and/or legislative solutions to problems of disparate investment

- Directing the state Finance Cabinet to produce an annual report on the implementation of the small or small minority-owned business set aside program and to recommend administrative and/or legislative solutions to improve effectiveness
- Identifying and implementing programs and policies that reduce the Black-white gap in economic opportunities
- Creating 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. (Governor, Economic Development Cabinet, Kentucky Chamber of Commerce)
- Supporting and leveraging the development, improvement, and public awareness of an online portal/platform to provide current information on the locations and sectors served by Black-owned businesses that have attained certification

Kentucky Exports (SB)

The billions of dollars in economic activity generated annually through Kentucky exports illustrate the positive impact on the Commonwealth that comes with access to global markets. The Chamber has partnered with the Kentucky World Trade Center and encourages and supports efforts by state leaders to provide export training and promote the benefits of global trade to our business community. The Chamber supports free trade agreements that open markets to our companies and supports state policies that encourage worldwide exports of Kentucky products.

Housing Availability and Affordability

A key factor in Kentucky's economic competitiveness is its relative affordability in comparison to other states. In addition to affordable energy prices, the affordability of housing in Kentucky has long given it a competitive advantage over high-cost states with tight housing markets. However, as the state lays the policy groundwork to grow our population and encourage workforce growth and higher rates of workforce participation, the General Assembly should pursue policies to increase Kentucky's housing stock and encourage the development of housing of all types across the Commonwealth.

In addition, policymakers should ensure that housing funding is available to all housing providers, and not limited to one model, which would allow for increased innovation in the space of affordable housing. This funding should come with minimal red tape to better allow for the development of properties that serve tenants with justice-involved or substance use disorder backgrounds. Lawmakers should also establish liability protections for property owners and managers who serve these populations, which would also support the goals of re-entry and recovery.

To encourage faster rehabilitation of vacant homes, the Chamber supports nonjudicial foreclosure methods such as the "Deed of Trust" method. Currently, Kentucky allows mortgage foreclosures exclusively through a judicial process, which proves time-consuming and costly to the lender, the borrower, and the local community. A judicial process often results in buildings remaining vacant and abandoned for an extended period of time, burdening citizens and communities with declining values for surrounding properties that result in decreased tax revenues and increased criminal activities in and around vacant properties. More than 30 states

offer some form of non-judicial foreclosure which allows lenders and borrowers to voluntarily resolve the foreclosure process through private transactions, as specified by statute.

Oppose Legislation Harmful to Talent Attraction and Tourism

Kentucky's business community is focused on succeeding in today's competitive marketplace—locally, regionally, and globally. To flourish, Kentucky companies must develop and retain a diverse, inclusive, and skilled workforce. With such goals in mind, the Kentucky Chamber works tirelessly for pro-growth policies that will attract and retain employers and talent for our state.

The Chamber discourages any discriminatory legislation that would hinder any individual's or organization's desire to do business in or with the Commonwealth. The Chamber's mission is to foster a positive environment that enables business growth in Kentucky, and we believe such legislation to be bad for business.

Public Safety (SB)

Crime has a multibillion-dollar negative impact on Kentucky's economy every year and disrupts the lives of thousands of Kentuckians, sometimes tragically. Kentucky must make badly needed investments in public safety and law enforcement and also continue the important work of implementing smart reforms to its criminal justice code. All this work must be done with the goal of ensuring safer communities throughout Kentucky and reducing recidivism. Key reforms should include a re-examination of the felony status of low-level drug possession offenses; smart reforms to Kentucky's bail system to transition the system to focus on the offense and offender and not on their financial means; and greater utilization of diversion program policies like that established by Senate Bill 90 from the 2022 legislative session, which can help more Kentuckians access drug treatment programs instead of facing incarceration. The Chamber continues to support effective re-entry policies and strategies such as automatic expungement of low-level offenses already allowed under KRS, job training, and upskilling programs like Certificate of Employability and work release; ensuring individuals leaving incarceration have access to basic needs like a photo-ID; removing barriers in professional licensing; and increased employment and educational opportunities for ex-felons. Moreover, the Chamber fully supports increased state investment in Kentucky's public safety infrastructure and personnel.

Development in Key Kentucky Industries

Kentucky is fortunate to be home to a diverse economy with strengths in several key sectors and signature industries. Leveraging these strengths while continuing to diversify our economy should be central to Kentucky's statewide economic development strategy.

Agriculture

Agriculture is a key sector of Kentucky's economy. State policy should recognize the importance this industry plays in the Commonwealth. Ensuring strong infrastructure, including access to high-quality broadband and improving rural roads, is vital to supporting Kentucky's farmers and existing agriculture businesses.

As our state looks to expand on our strong foundation in agriculture through recruitment and support of agritech companies, state government must ensure regulations are designed to foster growth and not serve as impediments to this industry.

The Chamber supports efforts to develop academic pathways that better link students with both current and developing careers in agriculture. Additionally, Kentucky's agriculture businesses

would benefit from connecting students from advanced manufacturing programs with agriculture career opportunities.

Distilling Industry

Kentucky is the birthplace of Bourbon, producing 95 percent of the world's supply. The historic, homegrown industry is a thriving \$9 billion economic engine bringing together agriculture, manufacturing and tourism to sustain more than 22,500 jobs with an annual payroll topping \$1.23 billion. Each year, it generates about \$300 million in local and state tax revenue and more than \$500 million in global exports.

Kentucky's Bourbon industry is facing increased competition from other states, which have created lower barriers to entry for new distilleries with fewer taxes and more privileges. The Chamber strongly supports initiatives to protect and grow the Commonwealth's signature industry.

To maintain and strengthen Kentucky's distilling industry, the General Assembly must continue to update the Commonwealth's burdensome alcohol taxes and respond to consumer demands by modernizing Prohibition-era constraints.

The Chamber supports parity with the treatment of spirits, wine and beer. As such, the chamber supports streamlining alcohol taxes on canned cocktails by fairly taxing the alcohol by volume (ABV) similarly among alcohol types, as well as allowing all canned cocktails with similar ABV – without regard to alcohol type – to be sold in the same retail locations.

Kentucky's Bourbon industry recognizes that with its unique product comes responsibility. Therefore, the Chamber favors state-supported funding for educational and responsibility initiatives.

The Chamber also recognizes the important role of manufacturers, wholesalers, and retailers in the alcohol industry, and encourages the General Assembly to continue seeking input from all segments of the three-tier system in developing sound and responsible public policy that meets consumer demand and keeps Kentucky competitive.

Equine (SB)

Kentucky's equine industry is world-renowned, employing approximately 60,000 people (direct and indirect) statewide, contributing over \$1.6 billion to the state's GDP, and accounting for \$5.2 billion in total economic impact (direct and indirect). The Chamber supports programs and initiatives to protect and enhance the growth of the equine industry, including innovative tax approaches, purse increases, increased funding for breeder incentive programs, and other assistance to allow our signature equine industry to remain competitive.

Kentucky's signature equine industry plays a significant role in the economy and brand image of the Commonwealth. State policy should be mindful of the opportunities provided by Kentucky's horse industry. Maintaining a competitive tax climate and promoting efforts to allow sports betting at racetracks are key areas where the state can help one of its signature industries thrive.

As the horse industry continues to adapt to the needs of the modern economy, state government should work together with industry leaders to help Kentucky maintain its title as the "Horse Capital of the World."

The Chamber supports the equine industry by employing a full-time staffer who handles Talent Pipeline Management® specifically for the equine industry, working with farms, vet clinics, and racetracks to maintain a skilled workforce.

The Chamber supported the expansion of gaming related to historical horse racing and sports wagering and will continue monitoring these policy changes. Any additional expansion of gaming must support preservation of Kentucky's signature industries including horse racing.

Energy (SB)

Kentucky is well known for its abundant coal resources, which remain Kentucky's primary energy source. The state's low energy costs are among our most compelling competitive advantages when recruiting new businesses. According to the Energy Information Administration's most recent report from June 2021, Kentucky's average industrial electric power costs and the average retail price for all sectors ranked 5th and 9th lowest in the nation, respectively. Low utility rates and a reliable energy supply attract jobs and investment to the Commonwealth and help offset our less competitive business elements. We must protect our energy rates from overbearing federal regulations, fuel mandates, and tax policy changes that will raise rates and neutralize Kentucky's competitive energy prices. Consideration should be given to exempting energy costs for manufacturers from any local option sales tax adopted by voters. As the U.S. transitions to greater dependence on intermittent renewable energy resources, we must ensure that sufficient dispatchable resources remain available to supply energy at all times.

Health Care

Many areas of Kentucky are underserved by health care professionals, contributing to poor access and higher medical costs for residents. Kentucky lacks sufficient numbers of primary care physicians, physician specialists, nurses, physician's assistants, pharmacists, dentists, mental health professionals, and allied health personnel. This lack of skilled professionals contributes to fewer regular check-ups, poorer health, and higher costs to the medical system over the long term. Addressing this situation can help increase employment and simultaneously contribute to a healthier Kentucky. To help address this need, the Chamber supports a comprehensive state strategy to increase the number of health care professionals trained in Kentucky, as well as innovative approaches to encourage them to practice here. In addition to supporting the health care workforce in Kentucky, it is critical to ensure processes exist that provide access to safe and quality health care for all patients.

Manufacturing

Kentucky's central location, historically low energy rates, navigable waterways, and relatively low cost of doing business have made the Commonwealth home to a number of manufacturers. With more than 240,000 payroll positions in manufacturing in Kentucky, it is imperative that Kentucky's economic development strategies work to maintain these critical advantages to protect and grow manufacturing jobs.

Technology

Technology is projected to be a high-growth sector in Kentucky for the foreseeable future. Kentucky should ensure its regulatory and tax environments are appropriately positioned to support this growth and do not impede technology businesses from starting or locating in Kentucky. Lawmakers should also ensure that public policy does not restrict the ability of employers to leverage technology to increase productivity and meet consumer demand. This should include avoiding laws and regulations that place costly data mandates on businesses and restricting the ability of employers to utilize technologies such as artificial intelligence or automation. Equally as important, Kentucky must intentionally cultivate a strong tech workforce to meet the demands not only of current employers but future prospective employers as well.

This should include integration of technology skills training in P-12 education, supporting advanced training in technology-related fields at post-secondary institutions, and providing technology training pathways for adult learners and adults transitioning to new careers.

Tourism

Kentucky's tourism industry is a major economic driver that benefits Kentuckians in every part of the state. Expenditures by 70.5 million visitors in 2021 contributed \$11.2 billion to the economy, spurred the creation of 83,100 jobs, and generated \$808 million in local and state tax revenue.

The Kentucky Chamber recognizes the importance of our tourism industry to Kentucky's overall economy as well as the competition it faces from other states. To sustain and grow tourism benefits for Kentuckians, the Chamber supports investment in critical infrastructure such as state parks, adoption of policies and programs that allow our attractions and hotels to flourish, and adequate marketing funding for local destinations and the state as a whole to be competitive in attracting visitors. This investment is critical now more than ever as the industry has been hit hard by COVID-19. In 2020, tourists dropped to 67.8 million for a total economic impact of \$8.9 billion.

Kentucky's Labor Laws and Regulations (SB)

A state's labor laws and regulations are key factors in attracting and retaining job growth in Kentucky. Lawmakers should ensure that Kentucky's labor laws and regulations are not overly restrictive, avoid imposing new mandates on employers, and do not make the Commonwealth an economic outlier.

- **Protect employer rights.** State lawmakers and policymakers must uphold the rights of employers to use all available tools to protect their staff, customers, and partners from the threat of COVID-19 and future viruses. This includes the right to require vaccination against specific diseases as a condition of employment within the confines of current state and federal law and the right to require masking or other public safety measures for individuals on an employer's premises. Employers take decisions on workplace safety and protecting public health very seriously and consider factors that may be unique to their business and workforce. Government should not intervene in this decision-making process with one-size fits all prohibitions. The Kentucky Chamber will oppose prohibitions against the efforts of employers to fight the spread of illness on their premises and restrictions aimed at limiting the ability of businesses to protect public health.
- **Oppose new employer mandates.** State policymakers must support employers as they invest in the Commonwealth's workforce. To enhance workforce flexibility and ensure the state's competitiveness, the Kentucky Chamber opposes state and local wage mandates, ineffective safety regulations, and additional standards that exceed federal requirements. When state or local governments enact regulations and mandates beyond what is necessary to provide proven, uniform protections, the added cost of doing business hinders Kentucky's overall competitiveness, particularly with our border and peer states, and can also contribute to job loss and reduce employment opportunities for Kentuckians. Lawmakers should closely scrutinize proposed regulations and ones already on the books to ensure effectiveness, consider their impact, and provide consistent enforcement so businesses can operate in a predictable climate. In addition, lawmakers should pursue policies such as allowing insurers to offer voluntary paid family leave insurance products to employers similar to what Virginia recently authorized. This proposal would give employers a new and voluntary option for supporting working families and attracting and retaining workers.

- **Monitor the workers' compensation system and preserve the 2018 reforms.** The Chamber commends the 2018 General Assembly for modernizing the workers' compensation system for the first time in two decades. The Chamber will continue to monitor the implementation of the legislation to ensure the system remains balanced and equitable and will oppose efforts seeking to roll back progress on workers' compensation reform or expand the system in any way that could raise costs for employers.
- **Maintain an effective and sustainable unemployment insurance system (SB).** In the 2022 legislative session, the General Assembly passed transformative reforms to Kentucky's unemployment insurance system. These reforms aim to support rapid reemployment for laid-off workers, stabilize and strengthen the unemployment insurance trust fund, and ensure system costs for employers are competitive in relation to other states. The impacts of these reforms should be closely monitored in future sessions and studied to further the goals of this important legislation. In addition, lawmakers should continue to explore ways to improve the competitiveness of Kentucky's unemployment insurance tax system, implement data-driven strategies to connect laid-off workers to reskilling and re-employment opportunities, and aggressively ensure the integrity of the state's UI system by safeguarding it from fraud and criminal activity. The Chamber fully supports allocating all necessary state resources to operate and maintain an effective and modernized unemployment insurance system in Kentucky. Thanks to the appropriation of federal relief dollars in the 2022 legislative session, the state's Unemployment Insurance Trust Fund is on a path to meeting federal solvency standards for the first time in decades. This is an important development for workers, state government, and employers, who bear the responsibility of paying into the Trust Fund. Maintaining a solvent Trust Fund that is capable of weathering an economic recession and ensuring the dollars are there to provide benefits to unemployed workers should be a key priority for state legislators. Lawmakers should carefully consider how any proposed changes to state unemployment insurance law might impact Trust Fund health and support policies that lead to sustainability and solvency.

Prevent Workplace Violence

With instances of workplace violence on the rise, employers should have more options available to them when it comes ensuring the safety of their workforce, customers, and vendors and protecting their private property. Kentucky should follow in the steps of states like Utah, Indiana, and Tennessee and allow employers to obtain a workplace violence protective order against individuals who threaten to cause workplace violence. While not a cure-all, a workplace violence protective order would give employers a new tool in the toolbox to prevent violence and keep their workplaces safe.

Kentucky's Legal Liability Climate

As with a competitive tax system and a pro-business regulatory environment, having a legal liability climate that reasonably protects employers from unwarranted and costly litigation is a vital component to bringing in and maintaining good jobs in Kentucky. According to a 2019 Institute for Legal Reform report, Kentucky ranks 40th among the states for our legal liability climate. There are concrete steps lawmakers can take to change the status quo.

- **Promote an equitable civil justice system.** Comprehensive civil liability reform in Kentucky remains a key priority for the Commonwealth's business community. The increasing cost of civil litigation, whether through legal fees, higher liability insurance premiums, defensive business practices, or reduced investment opportunities, is a significant burden for Kentucky's employers. These costs are not only hurting businesses

and their employees but also consumers as they are passed on in the form of higher prices and fewer choices. Lawmakers have previously taken steps to temporarily protect employers from unwarranted litigation – such as passing COVID liability protections for employers in the 2021 session – but comprehensive reforms are needed for Kentucky to turn back the clock on expanding employer civil liability. To stem the costly tide of an increasingly and unnecessarily litigious environment, the Chamber supports reasonable limitations on civil liability and a constitutional change that would allow the General Assembly to enact caps on awards for non-economic damages. These needed reforms will have a stabilizing influence on our tort system, making the state more attractive to employers and potential employers alike.

- **Improve medical liability climate.** The rising costs associated with medical malpractice liability are taking a significant financial toll on the health care industry, resulting in increased costs for consumers and a continued inability to attract and retain sufficient numbers of physicians in all regions of the Commonwealth. The high price of liability insurance and the lack of reasonable tort limitations in Kentucky have contributed to the shortage of medical professionals. In order for the legislature to mandate a maximum amount of non-compensatory damages to be awarded in professional liability cases, an amendment to the Kentucky Constitution is required to allow for a cap on these types of damages. The Kentucky Chamber supports allowing Kentucky voters to decide on whether such a cap is necessary through a constitutional amendment. The Kentucky Chamber additionally supports legislation to bring fairness to the calculation of damages in general liability and medical malpractice litigation to reduce liability and health care costs. State and federal lawmakers should pass reasonable limits on damages and require alternative dispute resolution to help reduce escalating malpractice insurance premiums and the resulting burden passed on to consumers in the form of higher prices, fewer health care providers, and fewer choices. Since 2000, numerous states have passed ballot initiatives to amend their constitutions, and 16 states have passed a cap on non-economic damages.
- **Protect intellectual property.** When manufacturers use stolen intellectual property (IP) to cut their business costs, they gain an unfair competitive advantage that results in reduced revenues and job growth for responsible Kentucky and U.S. manufacturers. IP theft is a particularly serious problem in emerging export markets with a weak rule of law that encourages illegal and unethical business practices. The Chamber encourages federal and state policymakers to enact policies that will improve business competitiveness by promoting and defending robust intellectual property rules globally while strengthening enforcement efforts in the United States and abroad. Protecting IP in the form of patents is critical to protecting innovation, but it is also necessary to deter frivolous patent claims by so-called patent trolls who use the court system as their personal ATM, extorting businesses with dubious claims of patent infringement. The Chamber strongly supports efforts to inhibit patent trolls while balancing the need to protect patents.
- **Revise statute of limitations laws.** Kentucky should review and revise the statute of limitations laws to ensure they do not place an inordinate burden on employers, create an uneven playing field to encourage frivolous litigation, are consistent with surrounding states, and allow Kentucky to remain competitive in attracting and retaining businesses.

A Responsible State Budget

The state has made progress in curtailing spending growth in some areas, but efforts must continue to ensure Kentucky makes the right investments of tax dollars to build a stronger future. This is particularly important in light of Kentucky's plan to phase out the individual income

tax, which ties future reductions to income tax rates to levels of revenue growth, state spending, and the health of the Budget Reserve Trust Fund.

If Kentucky is to keep its financial house in order, it must establish a set of disciplined guidelines on spending tax dollars. We encourage Kentucky's lawmakers, if at all possible, to adopt the following guidelines for state spending:

- Limit spending to six percent of the state economy.
- Limit borrowing costs to six percent of the state General Fund budget.
- Eliminate the structural deficit by adopting a five-year plan to spend only recurring revenues for recurring obligations.
- Prioritize spending on areas that invest in the future, such as education and economic development.
- Avoid appropriating all anticipated revenue, and ensure the state's Budget Reserve Trust Fund has adequate resources to cover the state's emergency needs.

Sustainable Public Employee Benefits (SB)

With pension systems that are among the worst-funded in the country, the Kentucky Chamber has advocated for reforms in Kentucky's public pension systems for more than 12 years. The General Assembly has responded with a number of significant actions and increased funding in recent years. The 2008 General Assembly enacted reforms that increased the employee pension contribution, imposed a minimum retirement age, and placed other limits on benefits. In 2010, the legislature implemented the "shared responsibility" plan for teachers' health insurance, and in 2013, state and local workers were placed in a hybrid 401K-style plan, with a guaranteed four percent annual return, and cost of living adjustments for state and local retirees was suspended. In 2021, lawmakers passed legislation to improve the sustainability of the Teachers' Retirement System by making changes to pensions for future hires. These measures all help build a foundation for continuing progress in pension reform.

In terms of funding, Kentucky is now putting more than \$1 billion per year more into its pension systems than it was five years ago. Recent budgets have continued this trend –providing full funding for the Kentucky Employee Retirement System and the full requested appropriation for the Kentucky Teachers' Retirement System. This increased funding, combined with more realistic assumptions adopted by Kentucky Retirement Systems, will help put the system on a path toward financial solvency.

Moving forward the Chamber believes:

- Benefits provided to public employees should mirror the private sector to the extent possible.
- Public employees should work longer before being able to retire (similar to the private sector).
- Retirement promises made to public employees for benefits already earned should be honored.
- Continued emphasis should be placed on reducing public employee health insurance costs.
- The full actuarial required contribution (ARC) should be made to Kentucky's pension systems, and assumptions on which the ARC is based should be periodically audited to ensure their accuracy.

Maintain Sensible Debt Levels

The future of Kentucky's finances depends in large measure on its ability to manage debt in a way that is disciplined and effective. Borrowing for long-term capital projects of broadly recognized economic and social value is an appropriate use of public debt. However, debt must be limited to a level that is sustainable and does not adversely impact the overall credit rating of the state. In recent years, Kentucky has turned increasingly to issuing bonds to sustain the growth in government spending.

The Chamber believes the level of state debt should be closely monitored. Projects that have a related revenue stream or can create budgetary savings should receive priority consideration, and every project considered for financing should have a defined, supportable plan for repaying the debt service.

Incentivize Consolidation of Services

The Kentucky Chamber supports efforts to incentivize localities such as cities, counties, special taxing districts, and school boards to consolidate essential services such as 911 services, water and wastewater services, etc. to ensure taxpayer dollars are being spent wisely while helping relieve the financial burden of individual local governments.

Stop Expansion of Collective Bargaining

The Chamber is firmly opposed to any local or statewide expansion of public employee collective bargaining. The expansion of public employee collective bargaining can lead to inefficient administration of public duties, increased costs to taxpayers and an increased likelihood of interruptions of essential government services to the detriment of all Kentuckians.

EDUCATION AND WORKFORCE

Alignment of Workforce Development Programs (SB)

Effective workforce training and programs are critical, but too many employers continue to struggle in their efforts to find people with the right skills for the jobs they have available. Too many job seekers can also be frustrated as they try to find the right job to match their skills and abilities at the compensation level they expect.

Kentucky's workforce training system is notably complex with multiple layers and differing agency responsibilities. Programs receive state and federal funding in the hundreds of millions of dollars, and programs range from job-specific skill development to support for job seekers. The Chamber is supportive of efforts led by entities such as the Kentucky Workforce Innovation Board to create stronger alignment and more effective targeting and analysis of workforce programming throughout the state. These efforts will serve to improve workforce development outcomes in the state and focus on the following goals:

- Ensuring collaboration and cohesion across state and local agencies and nonprofit and private sector partners;
- Eliminating redundancy and duplicative efforts;
- Streamlining data-gathering and information sharing;
- More effectively tracking workforce development spending, routinely evaluating programs, and ensuring a strong return on workforce investments; Improving the customer-service experiences of employers and job seekers
- Removing barriers to workforce development programs for individuals with histories of justice-involvement or substance use disorder;

- Strengthening employer liability protections for workers with backgrounds not directly related to the field of work; and
- Establishing metrics and legislative and regulatory review processes to ensure that any new state policies encourage and incentivize greater workforce participation
- The Chamber continues to support workforce development programs to assist employers with upskilling and training employees.

Because of the magnitude of Kentucky’s workforce challenges, it is critical that all workforce programming and spending in the Commonwealth be highly effective and demonstrate positive results.

Helping to drive this important work, the Kentucky Chamber Foundation’s Workforce Center is entering its sixth year of work to expand employer involvement in the development of workforce programs and assess progress and challenges in efforts to improve the workforce. Through the Talent Pipeline Management® initiative, the Foundation’s Workforce Center is bringing together collaboratives of employers in different sectors to define shared needs and identify gaps in worker training programs. This work, and the experience of employers across the state, is raising greater awareness of the continuing need to improve workers’ essential skills – sometimes called soft skills – such as showing up on time, working well with others, communicating effectively, and taking responsibility for one’s actions. The Chamber continues to monitor the implementation of 2018 legislation it supported to incorporate essential skills into the state’s K-12 education system. The business community supports efforts to increase the emphasis placed on addressing this skills gap.

Earned-Income Tax Credit

One of the most effective policy tools in incentivizing workforce participation, rewarding work, and helping families transition from government assistance to self-sufficiency is the federal Earned-Income Tax Credit (EITC). This program phases in a refundable tax credit to low-income working families to help supplement their wages and gradually phases out as their income increases. Within specific demographic groups – such as single mothers, for example – EITC has been credited with increasing employment by as much as 11 percentage points.

The Chamber supports increased interventions by Kentucky state agencies to raise awareness of access to the federal EITC for working families, especially for families receiving government assistance or that are vulnerable to benefits cliffs. According to IRS data, one in five low-income workers in Kentucky who are eligible for EITC fail to claim the credit, causing them to forgo upwards of \$2,500 per year.

As of 2022, 28 states offer state-level EITC programs that match the federal EITC up to certain levels. These states include neighboring states such as Indiana, Missouri, Ohio, and Virginia. As a state with one of the lowest workforce participation rates in the nation, Kentucky should consider establishing a state-level EITC program to support workforce participation and more effectively leverage this key workforce development tool.

Early Childhood Education (SB)

Early childhood education is both a current and future workforce priority. Access to quality child care allows more Kentucky parents and guardians to participate in the workforce and also helps build a strong educational foundation for the state’s future workforce. Investing in early childhood education and pursuing policies to increase access to quality child care must be a key component of Kentucky’s workforce development strategy. Lawmakers should support employers seeking to assist employees with child care challenges and carefully examine ways

to optimally leverage available resources to increase child-care capacity through a mixed-delivery model that includes in-home, in-business, licensed child-care facilities, and other methods that offer families options. Key policy solutions in the 2024 session should include:

- Carefully studying the impact of federal pandemic funding for child care and assessing what programs should be continued or expanded through state funding as these federal funds come to an end in 2023 and 2024
- Ensuring the success of the Employee Child Care Assistance Partnership by implementing improvements to the program based on feedback from employers, workers, and providers as well as providing all necessary funding. Lawmakers should clarify their intent to continue the program to help give employers clarity and allow businesses more time to learn about the program.
- Supporting local governments to study and evaluate how local zoning rules might impact the availability of child care services within their jurisdictions
- Stabilizing and expanding the Child Care Assistance Program to ensure all families that need subsidized care can get it, smooth out the program's benefits cliff, and increase provider reimbursement rates
- Incentivizing more employers to offer on-site child care or child care benefits through a state-level Employer-Provided Child Care Tax Credit, by restarting and expanding the Child Care Business Partnership Grants program, and by improving Kentucky's Child and Dependent Care Tax Credit
- Reestablishing state funding for the Early Childhood Development Scholarship to support the early childhood professionals' talent pipeline and ensure quality early childhood learning

A Robust K-12 Ecosystem

The Kentucky business community fully supports a robust K-12 ecosystem that outrivals other states and delivers results for students, families, and employers. This involves well-funded schools, the utilization of charter schools with public funding, and incentives to use proven models that result in student success to address challenges that students face. Funding for full-day Kindergarten was a welcome addition to the state budget in the 2022 legislative session, and the Chamber encourages lawmakers to continually prioritize this issue in future budgets. The Chamber also supports programs that allow schools to better meet the individual challenges students may face to help ensure their success in school and beyond.

Many Kentucky K-12 students fell behind due to the disruptions caused by the COVID-19 pandemic in 2020 and 2021. Policymakers should continue studying both the short- and long-term impacts of these disruptions on student learning and pursue policy and programmatic remedies to ensure these students are still able to reach their full educational potential.

Part of a robust K-12 ecosystem is addressing the teacher shortage that is impacting our state. This shortage has resulted in larger class sizes and stretched resources, making it imperative to explore innovative solutions to attract and retain educators.

One promising solution is the implementation of Option 9, a new, alternative route that allows individuals to obtain a bachelor's degree and initial teacher certification over a three-year period while working in a non-teaching role within a school district. The Kentucky Chamber Foundation Talent Pipeline Management Education Network conducted a survey among 14 school districts, with 127 educators expressing their interest in learning more about Option 9 pathways. By leveraging our existing workforce and providing the necessary resources, Kentucky can upskill

current professionals and facilitate their transition into the classroom. The Chamber supports the General Assembly funding programs to support this new, alternative route.

Promote and Reward High-Quality Teaching

Quality teaching is the single most important factor in students' academic success. To ensure every Kentucky student has a high-quality teacher every year, the Chamber supports the formal review of the effectiveness of teacher preparation programs and the delivery of meaningful professional development programs to better meet the needs of classroom teachers.

Policymakers must professionalize the teacher compensation system to reward excellence and provide incentives to attract educators to areas that are underserved, either geographically or by subject matter. Greater emphasis also should be placed on non-traditional routes to certification to expand the pool of potential teachers. These steps will allow Kentucky to recruit and retain the best and brightest professionals.

Dual credit opportunity in schools is important and to increase opportunity we must ensure enough teachers are qualified to teach dual credit classes. An assessment of the number of teachers qualified to teach dual credit should be completed with efforts to increase the number of these educators across the state.

Post-Secondary Readiness

Preparing high school students for college and their career continues to be an area of particular significance for the business community. The state's graduation requirements and accountability system must place appropriate emphasis on activities that are proven to prepare students to be truly transition-ready for college or their career. The Chamber supports an accountability system that ensures students graduate ready for college or their career and narrows achievement gaps among groups of students.

To further encourage post-secondary readiness, high school students should be encouraged to take more challenging courses. At the high school level, recent regulatory changes that give greater weight to dual credit, Advanced Placement (AP), International Baccalaureate (IB), and Cambridge International Classes are positive developments. The Chamber encourages additional steps to incentivize students to take rigorous and challenging courses along with appropriate state funding for early postsecondary opportunities.

Require Educator Accountability

The Chamber believes tenure should not be automatically awarded to teachers on the sole basis of time on the job, but should be earned based on an appropriate evaluation and be subject to periodic reviews for renewal. Educators who do not meet the high standards required to serve all students should be removed from the education system. Appropriate performance metrics and professional development opportunities for educators providing instruction virtually should be developed.

Post-Secondary Attainment and Affordability

Ensuring high levels of post-secondary attainment by making sure postsecondary education is affordable for Kentucky students should be a priority for the Commonwealth. The Chamber advocates for continual simplification of the state's financial assistance process and a shared responsibility approach to distribute costs among students, families, postsecondary institutions, and government. Lawmakers should find ways to further leverage state financial aid programs

like the Work Ready Scholarship to help students pursuing in-demand career fields. State law should support employer-driven efforts to assist working Kentuckians with post-secondary affordability including providing incentives to employers who offer tuition benefits. The Chamber supports increased funding for Work Ready Scholarships.

Further, on-time degree completion is a key strategy in managing limited state and student resources. Students should be given opportunities and encouragement to complete their degrees on time or early.

The Chamber believes information is critical to helping Kentucky students achieve an affordable education. Students would be well served by receiving data on in-demand jobs in the state prior to making decisions about what courses to take at postsecondary institutions. In high school, students should know what funds are available to continue their education through completion of the Free Application for Federal Student Aid. The Chamber supports integrating FAFSA completion into the state's high school graduation requirements.

Career and Technical Education

The Chamber commends the 2023 General Assembly for investing in Career and Technical Education (CTE) and directing the flow of funding to enhance secondary instruction across the Commonwealth. CTE concentrators' 98 percent high school graduation rate speaks to the relevance of coursework that interests students. With the passage of SB 54, Kentucky students will now be able to use their KEES dollars to pursue more careers within the CTE field. Employers are encouraged to participate on local CTE advisory boards to help shape the coursework needed to support their businesses and the local economy. With the Chamber Foundation's Bus-to-Business® program as a component, local businesses can assist with career exploration, which can guide students toward careers in their areas of interest by utilizing the Foundation's Talent Pipeline Management® pathways. Education officials, legislators, and businesses must work to address the shortage of teachers who can impart the skills and education required to meet the job demands of economic development.

Set Universities and Community and Technical Colleges Free to Excel

Kentucky's public universities and community and technical colleges need greater operational flexibility to compete in an increasingly global marketplace. The flexibility that allows for entrepreneurial endeavors while requiring overall accountability would improve quality and better serve the institutions, the state, employers, and students. As an example, most states allow public universities to issue their own revenue bonds to finance building projects that generate income sufficient funds to cover the debt service. To the extent that such an approach would not negatively impact the Commonwealth's state bond rating, the Chamber believes a similar approach should be implemented in Kentucky with structural safeguards and oversight that ensure projects are consistent with the state's vision for postsecondary education.

Adult Education (SB)

While the state is making progress in improving education levels of younger Kentuckians, the educational attainment of older workers continues to present significant challenges. The Chamber supports initiatives designed to meet these challenges, such as the Kentucky Office of Adult Education's efforts to increase the number of people earning a GED and enrolling in postsecondary education and private/nonprofit initiatives. Consideration also should be given to supporting programs where high schools work with adults to help them return to school to obtain

a diploma. The goal should be to give adults workable and effective options to improve their educational attainment and skills development.

Substance Use Disorder

Another major driver of low workforce participation is the substance use disorder crisis. In 2022, 2,135 Kentuckians died from overdose deaths. These deaths mark a slight decline from 2021, and prior to 2022 the number of deaths had been steadily rising throughout the past decade. Individuals with substance use disorders participate in the workforce at lower rates than other individuals. Research by the University of Kentucky has found that opioid use disorder alone may be responsible for removing as many as 55,000 Kentuckians from the workforce. The Chamber fully supports allocating all necessary resources to tackling this challenge, including appropriating dollars from state legal settlements and pulling down available federal funds to ensure every community has the recovery and treatment infrastructure necessary for success.

In 2023, the Kentucky Chamber Center for Policy and Research released a study titled "Working Towards Recovery," which studied the impact of substance use disorder on the economy and workforce participation and proposed policy solutions. Several of the solutions recommended in that report are included below.

- **Punish bad actors.** The Chamber commends the Kentucky General Assembly for taking important steps to close pill mills, end illegal prescribing practices, and address the heroin epidemic in Kentucky. The Chamber encourages a thoughtful approach that will not back away from efforts to punish bad actors but will also not result in incarcerating nonviolent and nonsexual offenders who stand a better chance at rehabilitation and recovery through access to treatment programs and services. Continuing policies to develop workable statewide and interstate compacts, as well as the adoption of nationally recognized pain management guidelines, will help limit drug abuse that has a negative impact on employers and employees. State policymakers should also act within their power to reduce the flow of illegal drugs entering Kentucky from foreign countries.
- **Build out community resources (SB).** The Chamber strongly supported Recovery Ready Communities legislation in 2021, which will empower community-driven responses to the substance use disorder crisis. The Chamber is actively working with government agencies, partners, and communities throughout Kentucky to implement this new program. The General Assembly should routinely evaluate state funding for important state efforts to combat addiction, such as the Office of Drug Control Policy and Community Alcohol and Drug Services, to ensure these agencies are fully funded and have the necessary staff and technology to be successful. Furthermore, with roughly 50 percent of incarcerated individuals meeting the criteria for substance use disorder or drug dependence and abuse, resources for treatment and recovery must be made widely available to justice-involved individuals and the general population alike. As community resources for substance use disorder are built out, quality must also be a top priority. Policymakers should consider ways to support and incentivize high-quality treatment and recovery services across the state.
- **Ensure the success of the Behavioral Health Diversion Pilot Program.** Senate Bill 90, passed in the 2022 legislative session, represents one of the most hopeful models for thoughtfully approaching the substance use disorder crisis through the criminal justice system. The Chamber encourages all stakeholders involved to fully buy into this program in the ten pilot counties and to work collaboratively to make it a success. The Chamber is committed to advocating for the necessary resources to expand this approach throughout the Commonwealth. Upon approval of the 1115 waiver application to CMS, the program should be opened up to individuals who are incarcerated and in pre-release to address their

health care needs and support reentry. To further improve the program created by Senate Bill 90, policymakers should:

- Streamline reporting requirements for SUD treatment providers to reduce administrative burdens
- Reevaluate eligibility criteria to create more opportunities for individuals who would benefit from inpatient care vs. outpatient care only.
- Begin expanding the program to additional counties
- Expand access to drug courts
- Begin standardizing the use diversion programs across counties

Remove barriers to successful reentry. Additionally, the Kentucky Chamber supports efforts to remove barriers to employment for Kentuckians recovering from substance use disorder and/or exiting incarceration. The Chamber applauds the General Assembly's passage of the Recovery Through Employment legislation in 2020 that supports transformational employers that hire and retain people in recovery. The Chamber also supports additional work to implement and strengthen this law to help transformational employers, including a detailed study of how liability concerns discourage employers from hiring justice-involved Kentuckians or Kentuckians in recovery. Additional steps that the General Assembly should take to remove barriers to success for individuals in recovery or re-entering society include increasing Kentucky's supply of quality, affordable and supportive housing, fostering a liability environment that encourages second-chance hiring, removing barriers to education and financial resources for ex-felons such as the felony prohibition on accessing KEES dollars, automating and streamlining processes for expunging criminal offenses that are already authorized under state law, and improving data collection on incarcerated and formerly incarcerated Kentuckians. In regard to supportive housing, lawmakers should continue building on the foundation provided by House Bill 248 in the 2023 session, which established minimum quality standards for recovery housing in Kentucky. To encourage more fair-chance hiring in Kentucky, policymakers should continue exploring ways to raise awareness of incentive programs like the federal Work Opportunity Tax Credit and also take steps to reduce liability concerns for fair-chance employers.

HEALTH CARE

A Healthy Workforce

The Kentucky Chamber Foundation's 2021 report, "[20 Years in the Making: Kentucky's Workforce Crisis](#)," highlighted poor health outcomes as a major driver of low workforce participation in the Commonwealth. Strengthening the health of Kentucky's workforce is therefore critical to our economic success. Kentucky has one of the nation's unhealthiest populations, with consistent rankings at or near the top of the list in smoking rates, obesity levels, and other indicators of poor health. In addition to being a quality-of-life issue, the state's health status has a significant impact on the business community, harming workforce participation and increasing employers' health care costs, as well as hindering their ability to hire a healthy and productive workforce. Anecdotally, these factors can be detrimental to industrial recruitment. Expanding businesses may not want to locate a new facility in a state with such an unhealthy workforce. There are key steps lawmakers can take to help improve the health of Kentucky's workforce.

- **Encourage private and public sector wellness programs (SB).** Nationally, Americans use preventative services at about half the recommended rate. Preventing disease before it

starts is critical to helping people live longer, leading healthier lives, and keeping health care costs down. The Chamber encourages employers to implement wellness-based programs that encourage prevention and prompt workers to improve their health habits. To improve the health of Kentuckians and to promote an under-used cost control measure, the Chamber supports legislation to provide incentives and programs to drive the creation of wellness programs enabling businesses to educate and encourage their employees to engage in healthy lifestyles and obtain preventive care including access to a full range of Tobacco Prevention and Cessation resources and programming. These efforts should focus on encouraging a level of personal responsibility for one's health as well as organizational health promotion policies and environments.

- **Reduce Smoking Rates.** Kentucky's high rates of smoking and tobacco usage contributes to many of the poor health outcomes facing the Commonwealth. Data shows that 23.6 percent of Kentuckians use cigarettes, the second highest rate in the nation. This leads to a range of illness and ailments that drive up health care costs and reduce workforce participation. Additionally, the number of Kentucky teenagers, and even middle school students, who are using e-cigarettes and experimenting with other tobacco products, is among the highest in the nation. This disturbing trend sets the stage for a continued unhealthy workforce as the next generation grows into adulthood addicted to nicotine and its deadly health consequences. The state should have an active interest in reducing smoking rates. The Chamber supports a range of policy proposals to reduce smoking in the Commonwealth, including removing smokers as a protected class, increasing the amount of funding for the state's Tobacco Prevention and Cessation Program, increasing taxes on cigarettes and e- cigarettes, enacting a statewide smoke-free law, and giving local governments more leeway to regulate the use, display, sale or distribution of tobacco or vapor products. Such policies should be implemented without increasing "purchase, use, or possession" penalties for youth, which are ineffective and raise the likelihood of youth becoming involved with the criminal justice system.

Long-Term Care Insurance Policies

The Chamber supports initiatives that provide greater incentives for individuals and/or employers to purchase long-term care insurance policies. As the population ages, individuals will likely require health care services from every level and setting of care, from non-medical aid to skilled home health to a skilled nursing facility, and each should be accessible while delivering quality care. The Chamber encourages policymakers to concentrate elder care resources on case management to ensure people's needs are matched with the most appropriate care.

Monitor Affordable Care Act (SB)

The Patient Protection and Affordable Care Act (ACA) represented a wholesale change to our nation's health care system. The Chamber is concerned that employers and employees are facing significant premium increases, and businesses with more than 50 employees who have been providing voluntary health insurance are now faced with mandated coverage, new structures on benefit design, and increased taxes or penalties. Businesses with fewer than 50 employees that voluntarily provide health insurance as a benefit are also experiencing changes in benefits and costs. The Chamber will continue to look for opportunities to ensure that employers in Kentucky can provide affordable, accessible health care to their employees and not be burdened by overreaching regulations, mandates, and penalties under state and federal law. The Chamber will continue to oppose burdensome mandates and policies that create costs

on Kentucky businesses and recognize that such policies can disproportionately impact small business.

Encourage Medicaid Sustainability (SB)

Beginning in January 2014, Kentucky expanded Medicaid eligibility by executive order to persons with annual incomes up to 138 percent of the federal poverty level (now \$31,781 for a family of three)— adding more than 450,000 individuals to the program. The federal government paid 100 percent of the state’s additional cost for the expansion through 2016. However, the state was required to begin paying five percent of the costs beginning in 2017, rising in steps each year to ten percent in 2020. As a result, the state’s General Fund cost for Medicaid benefits increased 25.6 percent (more than \$400 million) between FY 2016 and FY2020, as compared to only 16.5 percent for the previous five-year period. Currently, there are more than 1.6 million Kentuckians enrolled in Medicaid—more than 35 percent of Kentucky’s total population. With the public health emergency adding over 300,000 Kentuckians to Medicaid, the Chamber encourages policies to be implemented that support an effective and efficient unwinding process. The Chamber also supports efforts to encourage more individuals to have a pathway to commercial coverage that offers a smooth onramp and incentivizes individuals to seek better employment opportunities without the threat of a benefits cliff, which discourages career advancement and self-sufficiency. The Chamber opposes the creation of any additional programs to place additional Kentuckians on public coverage.

Wellness Activities (SB)

A best practice identified by the National Governors Association Center for Best Practices is for states to incorporate more wellness activities into Medicaid programs. The Chamber supports offering financial incentives to Medicaid recipients who maintain healthy behaviors.

Program Review

The Chamber encourages a top-to-bottom, data-driven review of the Medicaid program conducted by a nationally recognized consulting firm with expertise in Medicaid. The review should focus on an evaluation of the scope of services covered by Medicaid compared with other states as well as outcomes for Medicaid patients.

Program Administration

The Chamber believes additional areas of the Medicaid program that should be explored for possible savings include:

- Improving the “error rate” – reducing overpayments to providers and ensuring the correct determination of recipient eligibility.
- Ensuring that child support orders require non-custodial parents with access to health insurance to provide coverage for their children (as permitted by Kentucky law).
- Increasing the use of generic drugs by Medicaid recipients.
- Monitoring the impact of the implementation of a single preferred drug list and pharmacy benefit manager on the overall cost to the Medicaid program.
- Revisiting the use of significant co-pays for recipients at higher income levels.
- Ensuring the managed care contract companies honor the timely and appropriate payment rules and pay providers for the correct services in a timely manner.

- Ensuring there are appropriate guardrails in place to eliminate fraud, waste, and abuse in Medicaid.
- Encouraging and promoting personal responsibility and quality and cost-conscious decision-making to ensure Medicaid recipients choose the correct level of care.

ENERGY AND ENVIRONMENT

A Sensible Regulatory Approach

Economic growth, energy independence, and environmental protection are compatible and complementary goals. The Chamber recognizes that legitimate uses of the environment should be protected and that business activities may affect environmental quality. To achieve sensible regulatory objectives, the Chamber encourages legislative and administrative actions that satisfy the following criteria: scientific validity, technical feasibility, and economic rationality.

The need for government action should be established on the basis of objective information on which meaningful consensus can be achieved. Such information should demonstrate that any proposed action would cost-effectively result in the avoidance of environmental harms or the creation of environmental benefits. Similar to the federal major questions doctrine, major changes in environmental policy should be driven by legislative action and not by regulatory agencies.

To achieve the true objective of environmental regulation, government must ensure the technical feasibility in setting standards. In addition, government should be a conduit for information on available control technologies for businesses but not control the supply/demand of the marketplace. Government action and requirements for compliance should reflect a proper balance of the benefits provided by a standard and the cost to society of achieving it. In setting standards, an agency should consider its impact on reliability of the electric grid, jobs and low-income groups and the ability of business to operate profitably within the confines of any legal framework. Those standards should also provide businesses with the maximum flexibility to implement sustainable practices they deem appropriate for their unique situations. Best practices, guidance, and other sources utilized in implementing a standard should be used to strike a balance between achieving environmental compliance and cost-effective implementation of the standard. Where the standards do not specifically address such practices or guidance, government should defer to their use in finding scientifically valid and technically feasible ways in protecting the environment without causing undue economic harm to industry.

State government, utilities, and businesses should work hand-in-hand to maintain a process to balance ratepayers' desires for competitive rates through the least-cost option with incentives for energy production innovations, clean coal technologies, and energy efficiency. Within the context of greenhouse gas emissions and their role in climate change, the Chamber supports objective research and analysis that provide government and business alike with the information and tools to make reasoned decisions on policy and investment. The Public Service Commission should regulate in a way that is predictable and consistent to ensure that the utility investments may be optimized to serve consumers safely, efficiently and reliably. The PSC should issue orders in a timely fashion that sends a signal of stability to economic development prospects and investors.

Enforcement of Federal Law and Regulations

The Kentucky Chamber supports efforts by the Kentucky Energy and Environment Cabinet to ensure existing environmental laws and regulations are applied and enforced in a consistent, non-discriminatory manner at both public and private facilities. The Chamber urges the Cabinet to aggressively assert its authority as the primary administrator of delegated environmental programs in cases where federal agencies attempt to overstep their oversight role or demand action inconsistent with past state regulatory actions or determinations.

Many federal laws and regulations currently being amended or adopted will impact Kentucky businesses. This includes EPA regulation of carbon dioxide from new and existing electric generating units. The Chamber opposes federal regulations on greenhouse gas or other emissions that place baseload power resources at risk of closure and that threaten Kentucky's reliable and affordable supply of energy. This also includes EPA revisions to National Ambient Air Quality Standards for sulfur dioxide, ozone, particulate matter, and nitrogen oxides as well as revisions to the implementation of the standards that could drastically increase the number of non-attainment areas and increase the difficulty of planning for attainment of the new standards. The Chamber supports legislation to change the review cycle for criteria pollutants, including ozone, from a five-year review to a ten-year review and supports efforts by the EPA to better understand the role other factors such as background levels of ozone and economic impacts play in meeting the standard.

The Chamber encourages a rigorous rulemaking process whereby stakeholders such as the business community are involved and have adequate time to review and comment on proposed rules. It is imperative the General Assembly and administrative offices of Kentucky, including the Energy and Environment Cabinet, continue to weigh in on the federal rulemaking processes and use their influence to impact the outcome of these regulatory programs and speak to the unique needs and environment of the Commonwealth.

Encourage Cooperative Federalism

Decisions and policies that are best for a state or local community are more likely to occur when national, state, and local governments interact in a cooperative manner to solve common problems. The Chamber fully supports the application of cooperative federalism principles with respect to the appropriate utilization and recognition of state and local primacy rights when implementing energy and environmental programs.

The Chamber fully supports the Kentucky General Assembly and Energy and Environment Cabinet in identifying more strategic and better-planned statutory/regulatory actions by the state. The Chamber also fully supports working with local governments to address issues and avoid imposing duplicate and conflicting requirements – or needless regulations that would not yield meaningful improvements to environmental quality while increasing burdens on the regulated community.

Improved application of cooperative federalism principles can result in timely and consistent enforcement of existing regulations and assure that Kentucky's policymakers hold the key decision-making role in matters affecting our state. The Chamber encourages actions taken by the federal government to engage in cooperative federalism.

Such planning is important as regulators navigate new strategies for setting rules and enforcement. For example, environmental justice has become an area of consideration when setting new standards, enforcement, and reporting. It is important that states and local governments be given authority to utilize a stakeholder-driven approach to addressing questions or concerns related to environmental justice.

State and Local Regulations (SB)

In considering standards for the protection of human health and the environment, federal agencies undertake an exhaustive process of reviewing available data to set standards at an appropriate level. Those processes are not foolproof, however, and the Chamber urges Kentucky regulators to evaluate carefully the procedures and assumptions that underlie federal guidelines. The Chamber opposes the adoption of more stringent state and local programs that would adversely affect Kentucky's ability to remain competitive in the global economy. When state and local governments engage in significant revisions of environmental regulations, we strongly encourage the use of a stakeholder process for the development of these programs. Any resulting regulatory framework must be based on sound science and be both economically rational and technically feasible to achieve the laudable objective of a cleaner environment.

Uniformity among federal, state, and local programs helps save businesses valuable resources in compliance procedures.

The Chamber opposes local government authority to enforce federal and state environmental requirements. To the extent that regulatory programs already exist at the local level, it is incumbent upon the local agency to administer a meaningful appeal process to provide adequate consideration of disputed issues prior to civil court action. The Chamber supports stability in regard to the makeup of Kentucky's Public Service Commission. This non-partisan group, appointed by the governor and confirmed by the Senate, has helped establish Kentucky's low-cost utility rates for many years. The Chamber opposes any effort to politicize the membership of this commission, which will create instability and a potential increase in rates. The commission should be proactive in working with utilities to assure that adequate capacity resources exist to meet demands of Kentucky's businesses and residences during periods of peak demand, including developing new laws to improve and streamline the siting of energy infrastructure within Kentucky.

WOTUS and Water-Related Regulations

Kentucky is home to more miles of running water and navigable waterways than any other state in the nation with the exception of Alaska. Regulatory actions related to water are therefore uniquely impactful on Kentuckians and Kentucky businesses.

Revisions to the definition of Waters of the United States (WOTUS) continue to evolve and change as new administrations enter and exit Washington D.C. The Chamber supports a WOTUS definition that provides clearly defined categories of jurisdictional waters which are consistently applied so that regulated entities have certainty when applying for permits.

Furthermore, the Chamber encourages implementation of the Navigable Waters Protection Rule, which was adopted after the repeal of the Clean Water Rule, and changes to the WOTUS definition, even while EPA and the Department of the Army are planning to revise the definition of WOTUS. The Chamber engaged in litigation against the EPA on their recent rulemaking related to WOTUS and supports the recent decision by the Supreme Court of the United States in *Sackett v. EPA*.

The Chamber supports prompt adoption of state legislation and regulations to implement the America's Water Infrastructure Act of 2018 and supports action at the federal level to promote infrastructure development, which includes America's Water Infrastructure Act of 2020 and the Drinking Water Infrastructure Act of 2020. Kentucky needs these state and federal programs to assist communities in enhancing their wastewater and drinking water resources.

The Chamber supports the development of private stream, wetland, and conservation mitigation banks for the purpose of compensating for unavoidable resource losses in advance of permitted development actions. The Chamber supports the use of established standardized service areas for mitigation banks and in-lieu fee projects to expedite permitting of projects. The Chamber supports policies that sufficiently protect the surface areas of mitigation sites while allowing for the retrieval of minerals, such as coal, oil, and gas. The Chamber encourages state and federal regulators to work together to develop a consistent policy to allow mitigation projects, which have severed mineral rights, to proceed as long as the surface aquatic resources can be protected with appropriate legal constraints. These policies are critical to expediting the process of approving critical infrastructure and economic development projects.

The Chamber supports a state policy that shows a preference for private mitigation banks over state mitigation projects. The Chamber also supports a policy that allows the state in-lieu fee program to competitively procure full delivery mitigation from the private sector and supports the state exercising its ability under the existing policy that allows the in-lieu fee program to purchase wetland mitigation bank credits to satisfy unmet obligations.

Endangered Species Act

The U.S. Fish & Wildlife Service (USFWS) implements the Endangered Species Act (ESA) and is required to consider candidate species within a one-year timeframe. The Chamber recommends the ESA be modified to allow additional time to consider these candidate species rather than restricting the timeframe to one year. This will enable USFWS to prioritize its listing process, create good science and manage its resources while protecting endangered and threatened species. In addition, the Chamber recommends discussion as to whether or not the ESA should be modified to allow the delegation of this program to an appropriate state agency that has exhibited the resources and expertise.

Energy Independence and Pro-Energy Economic Policy

The Kentucky Chamber is encouraged by the General Assembly's efforts to foster Kentucky's energy independence. The Chamber recognizes energy conservation and efficiency as high-priority energy strategies. The Chamber also strongly supports incentives for businesses that go above and beyond existing environmental standards and for those that are proactive in promoting conservation, efficiency, and alternative energy. State government should join with business to find creative solutions to help reduce the up-front costs associated with implementing conservation and efficiency measures.

Kentucky's Coal Industry

Kentuckians have long benefited from low-cost utility rates thanks to the proximity of Kentucky's abundant coal resources in our Central Appalachian and Illinois Basin coal fields. Market forces as well as certain past federal policies and changing energy demands have crippled the coal economy in the eastern and western Kentucky coalfields, which has had a negative impact on the entire state. Since 2011 Q4, Kentucky has witnessed the loss of approximately 14,000 of its coal mining jobs. For every one direct coal mining job lost, about three other indirect jobs are also lost. According to the Kentucky Quarterly Coal Report, 2021 Q1 saw a roughly nine percent reduction in coal production compared to the previous year. However, global and domestic demand for all sources of energy, including coal, has significantly increased in 2022, and the Chamber supports all efforts to aid the Kentucky coal industry's ability to meet this rising demand. To help support the future of Kentucky's coal industry, the Chamber supports:

- Efforts that will help Kentucky position itself as the leading exporter of coal to international markets.
- Research opportunities that will find alternative uses for coal beyond baseload power generation.
- Policies that preserve the operation of the existing coal-fired power plants and avoid waste of ratepayer dollars by premature retirement of such facilities.

The Chamber opposes policies such as those embodied in the potential federal Clean Electricity Standard or Clean Electricity Payment Program, which would unfairly discriminate against and tax utilities in our region based on their generation mix at a substantial cost to taxpayers and ratepayers. The Chamber also opposes mandatory cap and trade programs, such as the Regional Greenhouse Gas Initiative. Furthermore, the Chamber opposes any further efforts by the U.S. EPA to increase the stringency of the effluent limitation guidelines for discharges from coal-fired power plants, as the plants in Kentucky already operate state-of-the-art technology allowing them to meet water quality standards. Similar actions to retroactively regulate coal combustion residuals are likewise opposed.

Kentucky's Oil and Gas Industry

Kentucky's oil and gas industry has supported the nation's pursuit of energy independence for more than a century, resulting in continued low energy costs for consumers. Thousands of Kentuckians are either salaried employees or proprietors in oil and gas and its support industries. Historically, the industry has contributed more than \$1 billion in total impact to Kentucky's economy.

The Chamber supports:

- Continued development and production of Kentucky's oil and natural gas resources in the Illinois and Appalachian basins by fostering a business-friendly environment.
- Industry's efforts to research, develop, and utilize alternative underground storage methods in the Appalachian region for natural gas, natural gas liquids, and liquefied natural gas.
- Careful review and consideration of any state/federal regulations that could burden producers with unnecessary and costly compliance requirements.
- Seeking continued federal and state assistance for plugging abandoned and orphan legacy wells.
- Incorporating existing fuel sources into emerging technologies and clean energy initiatives such as hydrogen production and carbon sequestration.

Explore New Energy Opportunities

Kentucky should establish a nuclear energy commission for the purpose of advancing the use of nuclear energy in the Commonwealth to provide a resilient, baseload generation, and to attract complementary manufacturing and new business expansion reliant on reliable, carbon free power generation. The state should fund analysis of the economic impact of bringing nuclear energy to Kentucky and should consider modifying the current low-cost approach to energy production to consider the best value and energy security, encompassing all the economic benefits that will result from the construction and operation of a nuclear generating unit. The state should explore additional ways to de-risk investment in nuclear generation in the Commonwealth, including but not limited to taking advantage of federal incentives to decrease the cost of such projects for Kentuckians, encouraging the use of Early Site Permits and potential cost-share funding to de-risk the licensing process, and providing reasonable assurances of cost recovery to those who undertake these projects.

Kentucky should explore the economic benefits of the use of clean hydrogen. Those extend to both new and existing industries; creating jobs, aiding the transportation and agricultural sectors, and increasing energy independence through power generation and storage.

Reform Notice of Violation Procedures (SB)

Current administrative enforcement procedures allow little flexibility or discretion on the part of inspectors. Generally, any and all excursions of existing regulations and requirements result in the immediate issuance of a “notice of violation” (NOV). With the exception of immediate threats to health, safety, or the environment, inspectors should have an alternative to issuing an NOV for noncompliance and the authority to waive fines for first-time offenders. Furthermore, there is currently no end date for punitive administrative action stemming from an NOV. The Chamber urges the General Assembly to place reasonable time limits on punitive action following the issuance of NOVs by state agencies.

Maintain Permitting Efficiencies (SB)

It is important the Energy and Environment Cabinet maintain a high level of quality customer service to the business community as permit approvals are often a key component in implementing expansions of existing businesses and in obtaining new industrial development to meet the “go-to-market” speed and agility necessary to remain globally competitive. The Cabinet has long been an important partner in driving economic development in the Commonwealth. However, just as our members have to do, the Cabinet should continue to look at cost-control measures and efficiencies that can be used to reduce revenue shortfalls and ensure expeditious service to businesses. This should include efforts to minimize siloing among involved agencies and strategies to attract and retain professional permitting staff.

Additionally, as the Cabinet evaluates the funding of its programs, fair distribution of general funds across all the program areas and divisions should be a priority. All citizens benefit from the Cabinet’s role in environmental protection, yet some program areas rely almost exclusively on funding from the regulated community. For example, the Division for Air Quality relies on Title V emission fees for the majority of its funding, and the dollar/ton fee continues to increase each year.

The Chamber supports methods that will allow an expedited permitting process when warranted. For permits that are especially complicated due to the nature of the pollutant being discharged or emitted, the Chamber encourages the Cabinet to use alternative permit compliance methods and requirements or to approve a variance already allowed by statute to avoid unnecessary delays while still being protective of environmental quality.

“Good Neighbor” Plan

The Chamber has expressed concerns regarding EPA’s “Good Neighbor” Federal Implementation Plan (FIP). As proposed, this plan would result in rapid decreased electric generating capacity without sufficient time to transition to a lower emission generation mix. Moreover, it threatens to derail ongoing private-sector efforts that are on target to meet the plan’s larger goals. As a result, utilities would no longer be able to meet economic development energy demands by 2026 and potentially could not even meet existing load demands. There is a risk of major impacts, including rolling blackouts from the supply and demand imbalances generated by this proposed rule. These costs would come without meaningful improvements.

The Chamber proposes to allow Kentucky to revise its own state implementation plan as provided by the Clean Air Act rather than be subjected to the proposed Good Neighbor FIP and

adjust generation shifting assumptions to reflect Kentucky EGU availability. At a minimum, increased flexibility and exemptions should be added to the plan to help lessen its impact on economic development and regulated entities.

INFRASTRUCTURE

Develop and Maintain Infrastructure (SB)

Kentucky must realize our global competitors are building infrastructure at an impressive rate. To take full advantage of Kentucky's favorable geographic location—within 600 miles of 65 percent of the nation's population—and to improve the ability of Kentucky companies to compete, we must place a greater emphasis on building and maintaining our state's infrastructure. Our focus must include energy, water, sewer, broadband, and transportation systems.

Increase Transportation Investments

Kentucky's transportation network of roads, airports, riverports, railroads, and transit systems connect Kentucky businesses to the national and international marketplace by providing multiple safe, cost-effective ways to move goods, connect to employees, and deliver services.

Kentuckians depend on the state's transportation network every day for safe, reliable access to education, health care, and employment. The most recent analysis of infrastructure in Kentucky by the American Society of Civil Engineers gave Kentucky's roads a D+ for their condition, quality, and funding, while Kentucky's bridges received a grade of C-. The state has identified \$895 million/year in unfunded projects according to the Long-Range Strategic Highway Plan, which would require significant increases in state funding to address.

Kentuckians choose the state's transportation network every day for reliable access to education and employment. The largest three public transportation providers in the state connect employees to employers each year with over 11 million trips – more than half of all traveled – for work alone. During the pandemic of 2020, transit systems moved essential workers to the critical jobs that kept our economy moving. Transit systems must maintain passenger stations and stops, maintenance facilities, parking lots, administrative buildings, and dedicated roadways.

The Chamber strongly supports legislation at the state and federal levels that provide new and sustainable funding that supports the maintenance and improvements needed on our transportation system today, while allowing the building of a system that supports our state in the 21st century. We support efforts to ensure that state funds continue to be available to match federal transit funds.

The Chamber opposes proposals to temporarily suspend or reduce taxes on fuel. Such measures would provide minimal financial relief to motorists and businesses while starving the state of millions of dollars in revenue for infrastructure investments.

The Chamber also encourages the administration to take advantage of the state's Public-Private Partnership (P3) legislation to encourage private investment in the construction and maintenance of our infrastructure. The Chamber urges the General Assembly to create a multi-modal transportation fund to address the infrastructure needs of the railroad, aviation, riverport, and public transit industries.

Continued investments in all modes make Kentucky more competitive and attractive for development with safe and reliable avenues of logistical infrastructure critical for economic growth.

Expand Wireless and Broadband Infrastructure (SB)

In a 21st century global economy, Kentucky's broadband infrastructure is crucial. The bipartisan Infrastructure, Investment and Jobs Act (IIJA) has given Kentucky a once-in-a-lifetime investment opportunity of nearly \$1.1 billion to expand the commonwealth's broadband infrastructure. It is critical that state officials and policymakers balance the providers need for flexibility with careful oversight of public spending as we enter the crucial stages of implementation over the next year. According to the Federal Communication Commission's new national broadband data map, Kentucky has over 258,000 unserved locations that lack 25/3 Mbps. In order to get the most out of the public dollars being used to leverage private investment, the commonwealth should focus on allocating federal broadband funding to internet service providers that are committed long-term to serving the residents and businesses of Kentucky and have demonstrated experience with deployment of broadband.

The IIJA comes on the heels of the Kentucky General Assembly appropriation \$300 million of federal ARPA funds to Kentucky's broadband deployment program. This commitment to the expansion of broadband deployment has afforded private companies the opportunity to expand broadband access to more rural communities in Kentucky. Based on recent data available from BroadbandNOW, Kentucky has moved from 47th in the nation to 36th in connectivity. This significant jump that is due to the substantial investment of private risk capital by Kentucky's communications providers. But Kentucky could do much better if it followed the example of surrounding states by making sure the grant funds go directly into broadband deployment. Kentucky providers pay sales tax on broadband equipment that is purchased with grant funds or match funds as well as direct investment purchases. Those funds paid back to the Commonwealth could be used to purchase more equipment and connect more homes. Kentucky is the only state in the region that does not offer incentives for increased investment in broadband networks. In fact, all of Kentucky's surrounding states offer tax exemptions to expand and upgrade communication networks: Indiana, Ohio, Tennessee, West Virginia, Virginia, and Missouri each offers a sales tax exemption to communications providers on certain communications equipment, which better positions those states for increased broadband investment. A 2019 study by the Broadband Tax Institute indicates that Kentucky could receive an additional \$100 million in broadband investment over two years if the state were to enact a similar tax incentive.

The Chamber supports legislation that would put Kentucky on an even footing with our surrounding states by implementing broadband deployment incentives for wired and wireless networks across the Commonwealth and opposes policies at the state and federal levels that would impede infrastructure access, create an unlevel playing field among broadband providers, and hamper investment in digital infrastructure.

Cybersecurity and Data Privacy

With rising tensions across the globe, the threat to businesses in the United States and Kentucky from cybersecurity attacks and data breaches are rapidly increasing. Cybercriminals are targeting businesses of all sizes, from major health care systems to small main street retail establishments. Cybersecurity insurance rates are rising, and coverage levels are falling leaving businesses unprotected and with increased expenses. Investing in cyber-ranges and related infrastructure to allow appropriate testing and preparation will allow businesses in the state to

securely operate today and in the future. Building the pipeline for a trained cybersecurity workforce is essential to keeping Kentucky businesses competitive: as of this drafting there are more than 4,000 unfilled cybersecurity jobs in Kentucky.

Legislation was considered in the 2023 legislative session to address data privacy that if passed would have cost employers up to \$600 million, according to the Information Technology and Innovation Foundation. It is critical that any data privacy law passed in Kentucky balances the needs of different consumers when it comes to privacy. Those that are concerned about their data being used should be able to simply opt out without disrupting the user experience for all with repeated opt-in requirements. Equally important, is legislation should be crafted in a way that is understandable and reasonable for businesses to follow.

Complicating the data privacy landscape in the U.S. is the lack of action at the federal level. The Chamber has long supported a federal approach to data privacy regulation, but in the absence of such action, recommends Kentucky pass legislation modeled after what has been passed in many other states that balances the needs of consumers with a framework that is workable for businesses.

Support Rail Improvements

The Chamber urges the General Assembly to maintain existing tax credits and exemptions that encourage investment and help Kentucky's railroads maintain a strong, reliable infrastructure. The Chamber asks the General Assembly to restore the \$1.6 million for the Kentucky Rail Crossing Improvement Program (KRCI) to ensure safe and reliable grade crossings for the traveling public.

Ensure Affordable and Reliable Energy Resources (SB)

Kentucky must recognize that to retain and attract new industries, it must have access to energy resources that are competitive with other geographic areas of the country and ensure energy availability at all times. According to the Energy Information Administration, both Kentucky's average industrial electric power costs and the average retail price for all sectors were the sixth-lowest in the country. The Chamber supports the construction of new and the modernization of existing energy infrastructure, including expanded use of fossil fuels as well as alternative energy sources. These projects create new sources of tax revenue and jobs and enhance access to competitive energy supplies. Investment in energy infrastructure is critical for continued access to growing domestic supplies of natural gas, natural gas liquids, refined products, crude oil, and alternative sources. Specifically, the Chamber encourages the construction of natural gas, natural gas liquids, and oil infrastructure to more efficiently extract, process, transport, and utilize our resources.

Finally, in addition to providing ongoing, strategic investment in the Commonwealth's energy infrastructure, policymakers must ensure the costs to support and maintain this infrastructure are allocated fairly among all users of the system. How customers use this infrastructure is changing as the adoption of distributed energy resources (DERs) – such as privately-owned solar generation – increases across the Commonwealth. Existing policies that, years ago, were originally adopted to incentivize the implementation of new technologies, such as distributed solar generation, should be reexamined to ensure all the costs to support and maintain reliable operation of the energy infrastructure are shared fairly.

Support Cost-Effective Energy Strategies

The Kentucky Chamber supports the development of cost-effective strategies that promote energy efficiency and alternative resources to foster energy independence and economic growth. The Chamber supports efforts to promote manufacturing of energy-efficient and alternative energy products. However, the Chamber continues to recognize the vital importance of Kentucky's fossil resources, including coal and natural gas and the impact those resources have on the economy of the Commonwealth and the U.S. as a whole. The Chamber believes a comprehensive national energy policy should focus on investing in energy production innovations including renewables, biomass, natural gas, and coal technologies, and avoid arbitrary mandates and punitive policies. Such mandates and policies serve to drive up costs and stifle innovation, which places the citizens and businesses of Kentucky at a distinct economic disadvantage with neighboring states.

The Chamber strongly believes cleaner air should be accomplished through the use of efficiencies at our power plants and grid system as opposed to mandated equipment, which makes power plants less efficient, and mandates for specific energy sources. Policies that spur technological innovation would continue to protect the economy of the Commonwealth while securing our nation's economic and energy future.

Ensure Affordable Water and Wastewater Service

The Chamber supports appropriate efforts, including ongoing investment, to ensure efficient, equitable, and sufficient water supplies and wastewater services for communities across the Commonwealth. The Chamber recognizes water and wastewater system upgrades are of particular concern due to the financial hardship that upgrading them can place on small systems and their customers. Where appropriate, the Chamber supports voluntary consolidation of water and wastewater systems to address such challenges in a more efficient, economical manner that meets the needs of Kentucky's communities. The Chamber supports measures to ensure the Commonwealth's water and wastewater systems are operating at a high level to deliver affordable, reliable, and safe services. The Chamber also supports the consideration of public-private partnership solutions in the water and wastewater sectors, as appropriate. Furthermore, the Chamber supports appropriate interconnectivity agreements among municipalities and water and wastewater service providers throughout the state to ensure water and wastewater treatment needs are met.