

Legislative Update

State Representative Patrick Flannery



Week in Review: Road Funding, Maternal Health, and Veto Override

The legislative work continues, as committees continued to work and bills are brought for votes on the House and Senate floors. Lawmakers voted on Wednesday to override the governor's first veto of legislation this session. While it was his first this year, the governor has vetoed more than a hundred bills and resolutions since 2020. Most bills go to the governor's desk after passing the House and Senate. At that time, a governor can sign a bill into law, allow it to become law without his or her signature, or veto it. The veto is a power granted to executives, enabling them to reject proposed legislation, influencing the legislative process significantly. However, to balance the veto power, lawmakers have the authority to override the veto with a vote. While vetoes can seem divisive, lawmakers and governors do not always agree – regardless of their political party. The legislature has overridden vetoes by every single governor in state history. And, lawmakers have overridden almost all of Governor Beshear's vetoes – including one issued on the plan to eliminate the state income tax, legislation that protects our children, and a bill that provided \$250 million for broadband expansion.

The measure itself would prohibit local governments from adopting or enforcing ordinances that require landlords and property owners to

accept federal housing assistance funds like Section 8. While I generally support local control and local decision making, I believe that property owners have a fundamental right to make decisions about their property. HB 18 prohibits local governments from imposing source of income mandates on rental properties. Such bans would prevent property owners from assessing whether prospective tenants have a reliable source of income to pay for rent under the terms of their lease, which would limit the owner's ability to make discretionary decisions about their property. Individuals should not be forced to accept less than market value, they shouldn't have to take a loss on their income or investment.

In addition to overriding the Governor's veto, we passed several other important measures through the House:

Planning for the 2026 Biennial Road Plan: HJR 91 would set out a non-binding plan for road projects with work scheduled for 2027-2030. HJR 91 would lay out a starting point for the 2026 biennial road plan.

Setting Out Local Road Priority Projects: HJR 92 would provide a new framework for funding local road projects, setting aside \$25 million in each fiscal year with \$20 million defined by the legislature for city and county road projects and \$5 million dedicated towards unforeseen road hazards. HJR 92 would ensure county

and city roads get the attention and rehabilitation that they require and eliminate the politics from road projects.

Providing Funding for the Transportation Cabinet's Biennial Operations Budget: HB 265 would appropriate \$6.98 billion for the Kentucky Transportation Cabinet (KYTC) biennial operating budget.

Establishing Increased Transparency from the Department of Revenue: HB 122, which I sponsored, would require the Kentucky Department of Revenue to publish online their administrative writings and guidance opinions no more than 120 days after they are finalized. The publishing of this information is already common practice among our neighboring states, as these administrative writings include recommendations and guidelines regarding taxpayer actions. This bill also includes the requirement for the Department to publish tax forms and their instructions no later than 45 days before filing or payment is due.

Protecting our Frontline Healthcare Providers: HB 159, which I sponsored, would grant criminal immunity to frontline healthcare providers who make a honest mistake during their duties. The aim of this bill is to help those who care for us during our times of greatest need, and to alleviate any stresses that may occur when they need to make necessary decisions. However, this bill still permits a path of legal recourse for patients in civil court, and has exceptions that

would allow for no criminal immunity for cases of gross negligence as well as wanton, willful, malicious, or intentional misconduct.

Investing in the 2024-2026 Highway Construction Plan: HB 266 would invest more than a \$4.18 billion – including \$14 million for guardrails, \$800 million towards bridges, and the continuation of the Brent Spence Bridge, I-69, and Mountain Parkway projects. The plan is a culmination of three and a half months of work. We developed a responsible road plan that funds our state's road projects over the next two years. HB 266 is a result of discussions held with officials from across the Commonwealth. Reliable roads are crucial to the quality of life of every Kentuckian.

Saving Lives and Preserving Families: HB 10 tackles a wide variety of topics relating to maternal health, such as, it would provide mental health consultation and access to care through the Lifeline for Moms Psychiatry Access Program. The Lifeline for Moms program, which provides trainings, and real-time psychiatric consultation and care coordination for health care providers serving pregnant and postpartum women. The measure would expand the HANDS program to include lactation counseling and assistance, education on safe sleep, and research on the role of doulas in the birth experience. HANDS is a voluntary home visitation program for new or expectant parents. Services can begin

during pregnancy and extend until the child is three years old. Additionally, the measure would strengthen an existing advisory council to provide ongoing policy guidance to increase collaboration, improve data collection, and suggest additional improvements. HB 10 is about saving lives and preserving families. Entirely too many Kentucky mothers die in the year following childbirth, leaving their children and families behind to pick up the pieces.

Establishing Broadband Implementation Program: HB 267 would provide for the authorization of the Office of Broadband Development to implement the federal Broadband Equity Access and Deployment (BEAD) Program. HB 267 would give guide rails for the funds appropriated in the 24RS biennial budget bill. Additionally, the measure would direct the Office of Broadband Development to develop an application process for funding, determine eligibility criteria for projects, create rules governing the review process and the timeline, make administrative rules, coordinate with local governments or private entities, and determine which grant applications should receive funding. During the 2022 Regular Session, we made sure there were funds available to get this critical access to every Kentuckian. This session we are focusing on providing guide rails for the funds going straight to the residents who need it most.

Cutting Red Tape for After

School Programming: HB 491 would eliminate unnecessary red tape around after school programs. HB 491 would eliminate the single skill restriction to allow after school programs that are not child care facilities to operate without child care licensure. These facilities would still be required to notify the parents or guardians that they are not a licensed child care facility and programs would still be required to operate outside of the hours that school is in session.

Allowing Voters to Fill U.S. Senate Vacancies: HB 622 would allow Kentuckians to vote in a special election if the state's U.S. Senate has vacancies. Under current law, if there is a vacancy, the governor has the power to appoint someone to fill the seat until the next regular election. The appointment must be made from a list of three candidates provided by the outgoing senator's political party. HB 622 is based on the fundamental philosophy that a government by the people and for the people should ensure that the people have the authority to choose their elected officials. We already use this process to fill vacancies in the U.S. House, and the Kentucky General Assembly.

As always, I can be reached anytime through the toll-free message line in Frankfort at 1-800-372-7181. You can also contact me via e-mail at patrick.flannery@lrc.ky.gov and keep track through the Kentucky legislature's website at legislature.ky.gov.

Spring wild turkey hunting season opens in April

By Ciara Knisely

Spring is coming, and we're all picturing it: trekking under budding trees, brushing past blooming daffodils, eyes and ears on hyperalert through the morning fog. The gear on your back becomes weightless and you forget about the predawn chill, or maybe even welcome it.

After all, hunting is a sensory experience, and spring turkey season is a perfect call to the field. When you hear a gobble in the distance for the first time, you finally understand what the hype is all about.

Conservation Officer Sgt. Ben Fisher with the Kentucky Department of Fish and Wildlife Resources enjoys spring turkey season for more than just the sport of it, too. "Any parent or mentor that has taken a youth on their first hunt, especially a successful one, would tell you that the experience is like no other," Fisher said.

Kentucky's 2024 youth-only season opens to hunters ages 15 and younger the weekend of April 6-7; the general season runs April 13 through May 5. This spring, hunters in the state should anticipate the kind of classic spring turkey season for which Kentucky is known.

"I expect a strong harvest on par with Kentucky's averages," said Zak Danks, wild turkey and grouse program coordinator for Kentucky Fish and Wildlife.

Fisher and his fellow conservation officers have taken 23 disabled youth hunters into the field through his Little Heroes Disabled Youth Hunt program, which he started personally in 2016.

"My focus is to take youth who have a severe disability that prevents them from hunting," Fisher said. "I got my inspiration from my daughter, Reagan, who was born with an extremely rare genetic condition. Being a parent of a child with a disability puts me in a unique position to have access to and assist youth like her."

During the hunts, Fisher and other conservation officers help youth hunters and their parents work through the nitty-gritty details of a hunting trip.

"I knew that it would be impossible for Reagan to participate in the outdoors with-

out my help," said Fisher. "There are many hunts focused on youth but very few focus on youth with disabilities due to its heavy involve-



ment and other risk factors."

Danks expects an average harvest and noted that the 2023 spring season overall harvest was even more successful than anticipated. "Things will be back to normal this year," he said. "Our statewide turkey hatch has been stable the past two years after the bump in 2021, which is consistent with other states across the region."

Kentucky turkey hunters harvested an impressive 35,655 birds in spring of 2023, the state's second highest total harvest on record. It was 21% higher than the three-year average, 23% higher than the five-year average and 18% higher than the ten-year average.

Kentucky Fish and Wildlife monitors wild turkey reproduction through annual summer brood surveys, which help biologists make season predictions each year based on the ratio of hens to poulters observed during the summer months. The exceptional poult hatch of 2021, a ratio of 3.2 poulters per hen, led to the boost in excitable two year old gobblers activity on the landscape in 2023. When it comes to this season's jakes, the 2022 brood survey resulted in 2.3 poulters per hen, a ratio which has stayed consistent 2019 through 2023 besides the spike in 2021.

There's plenty of gobbling to be heard, but due to a solid mast crop last fall and the recent mild winter, birds will simply have less incentive to move, said Danks. From a

hunting perspective, seasons of above-average mast crops tend to correlate with less wildlife movement. This means that hunters will want

to plan on extra scouting trips this season. Mast refers to the fruit of trees, such as nuts and acorns, and is especially important to wildlife during spring breeding. The department conducts annual mast surveys of red and white oak, hickory and American beech tree production throughout the state; Kentucky's 2023 mast survey saw an overall higher mast production last fall than the previous year.

"A successful mast crop is a good thing for wildlife. Research suggests that it puts game birds like turkeys and grouse in better condition for spring breeding. I wonder if it will make gobblers more active," Danks said.

It seems as though spring is coming early, too, and that will play a role in the season's outcome. Birds will also be feeding on green vegetation and insects left from a mild winter.

Kentucky's spring turkey hunting season is planned to coincide with the breeding season, when gobblers are searching for hens. "The increase in daylight hours dictates the beginning of spring breeding, but weather can also shift the timing," explained Danks.

He also reminded hunters that turkey hunting success is weather-dependent; the pleasant weather during opening day of the 2023 season also helped boost harvest rates. In general, hunters should hope for less rainfall and warmer temperatures. Rainy days are

the worst conditions for spring turkey hunting when birds typically hunker down.

Remember that turkeys may not be hunted over bait

education are very important during spring turkey season," Danks said. "Always know your backdrop and what's behind your target. Shooting at the skyline isn't safe, either."

Some shotgun loads available nowadays can pack a bigger punch and travel further, but these also create room for error and accidents as the pellets disperse. Additionally, be sure that no other turkeys are in close proximity with your target bird to avoid any violations such as accidentally shooting two birds or a non-bearded hen.

All harvested turkeys must be logged and telechecked. Hunters who harvest a turkey with a green or silver metal leg band are also encouraged to report band information to the department.

Hunters should consult the online 2024 Kentucky Spring Hunting Guide before the season, which provides information about current regulations, gobble and hen identification, licenses and permits, legal equipment, safety tips and more. The guide can be downloaded to your smart phone for easy access. Printed versions of the 2024 Spring Hunting Guide

or while roosting in trees. During the spring season, a legal turkey is defined as a turkey that is male or has a visible beard; hunters are allowed no more than two legal turkeys and no more than one bird is allowed per day. Turkeys taken by young hunters during the youth-only season count toward their spring limit. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset, but hunters may be in the field before and after shooting hours.

A summary of season regulations and turkey hunting basics is available online at the department's Spring Turkey Hunting page.

Going into the field with full camo is a must – turkeys have great eyesight. While orange clothes aren't required for turkey season, hunters should still take along an orange hat or vest to wear while carrying out a harvested turkey to avoid being mistaken for game.

Spring turkey hunting success also relies on a good turkey call and knowing how to use it well. Some hunters set up blinds with decoys to call turkeys in, but calling from more remote locations is another common tactic. Boating into an area can help reach different locations to scout.

However, remember never to stalk a turkey. The chances of an accident overshadow the slim likelihood of making a successful shot.

"The basic rules of hunter

are not available.

Public land hunters will want to keep in mind that they may only harvest one bird per Wildlife Management Area (WMA) each season. Kentucky Fish and Wildlife's online Public Lands Search at fw.ky.gov includes maps, directions and any special regulations for all public hunting land. Prescribed burn sites are known for being great spots to target turkeys, and Danks suggested that hunters set up in open areas near past burn locations.

For more hunting tips, be sure to watch a special Kentucky Afield TV show focusing on the spring turkey season. The program will be livestreamed on Monday, March 18. Along with Danks, biologist Jacob Stewart and Conservation Officer Travis Abrams will join host Chad Miles in answering questions from hunters.

The show will be livestreamed at 7 p.m. (Eastern) through the Kentucky Afield Facebook page, the Kentucky Afield Youtube channel and at fw.ky.gov. The recorded program will air on Kentucky Educational Television (KET) on March 23 at 8:30 p.m. (Eastern).

Commonwealth of Kentucky
Court of Justice
Lewis Circuit Court
Civil Action No. 23-CI-00019

BRUNER LAND COMPANY, INC. PLAINTIFF
v. TROY WOLDRIDGE, ET AL. DEFENDANTS

NOTICE OF MASTER COMMISSIONER'S SALE

By virtue of a Judgment and Order of Sale entered in the Lewis Circuit Court on March 1, 2024, to raise the sum of \$204,057.91, plus interest, fees and costs, I will expose for sale to the highest and best bidder, at the Lewis County Courthouse, 112 Second Street, Vanceburg, Kentucky, 41179, on Thursday, April 4, 2024, at the hour of 11:00 a.m., the following property:

A 50.553 acre tract of land located at Ribolt Epworth Road, Tollesboro, KY 41189, and identified as Lewis Co. P.V.A. Parcel No.: 031-00-00-002.04. The land is more particularly described in the record of this action located in the office of the Lewis Circuit Court Clerk, where it can be reviewed upon request.

Terms of the sale are as follows: (A) At the time of sale, the successful bidder shall either pay cash or make a deposit of 10% of the purchase price with the balance on credit for thirty (30) days. In the event the successful bidder elects to credit the balance, said bidder shall post bond with surety acceptable to the Master Commissioner and pre-approved by the Master Commissioner at least by noon, two (2) business days before the sale date, as security for the unpaid purchase price, bearing interest at the rate of 6% per annum from the date of the sale. The surety must be present at the sale and must own real estate in Kentucky, but may not be the successful bidder's spouse. A lien shall be retained by the Commissioner as security for the purchase price; (B) The purchaser shall assume and pay all taxes and assessments for the current fiscal year. (C) All other delinquent taxes and assessments for previous years shall be paid from the sale proceeds if properly claimed in writing and filed of record by the purchaser within ten (10) days from the date of sale; (D) If a successful bid is less than two-thirds of the appraised value, the defendant shall retain a right of redemption for six months from the date of sale; the purchaser shall receive an immediate writ of possession and a deed containing a lien in favor of the defendant reflecting the defendant's right of redemption, KRS 426.530; (E) The property shall otherwise be sold free and clear of any rights, title and interest of all parties to the action and of their liens and encumbrances thereon, excepting easements and restrictions of record in the Lewis County Clerk's Office, and such right of redemption as may exist in favor of the Defendant(s); (F) For more particulars, reference is made to the records of the Lewis Circuit Clerk; (G) Bidders are advised to obtain a title examination; (H) Exceptions must be filed not later than ten (10) days following the filing of the Commissioner's Report of Sale; (I) Risk of loss for the subject property shall pass to the purchaser on the date of sale, and possession of the premises shall pass to the purchaser upon payment of the purchase price and delivery of deed.

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