

248.723 Tobacco Settlement Agreement Fund Oversight Committee -- Membership -- Meetings -- Vote required to act -- Reporting of expenditure under early childhood development fund and the Kentucky health care improvement fund.

- (1) There is created a permanent subcommittee of the Legislative Research Commission to be known as the Tobacco Settlement Agreement Fund Oversight Committee. The subcommittee shall be composed of twelve (12) members and shall include four (4) members of the House of Representatives appointed by the Speaker; two (2) members of the minority party in the House of Representatives appointed by the Minority Floor Leader; four (4) members of the Senate appointed by the President; and two (2) members of the minority party in the Senate appointed by the Minority Floor Leader. The members of the subcommittee shall serve for terms of two (2) years. The appointed members from each chamber shall elect one (1) member from their chamber to serve as co-chair. Any vacancy that may occur in the membership of the subcommittee shall be filled pursuant to this subsection by the same appointing authority who made the original appointment.
- (2) The co-chairs shall have joint responsibilities for committee meeting agendas and presiding at committee meetings. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090(3) and 7.110(5).
- (3) A majority of the entire membership of the Tobacco Settlement Agreement Fund Oversight Committee shall constitute a quorum, and all actions of the subcommittee shall be by vote of a majority of its entire membership.
- (4) Any professional, clerical, or other employees required by the subcommittee shall be provided in accordance with KRS 7.090(4) and (5).
- (5)
 - (a) Subsections (6) to (10) of this section shall apply only to the expenditures from and projects under the agricultural development fund;
 - (b) Subsection (11) shall apply to all expenditures under the tobacco settlement agreement fund created in KRS 248.654; and
 - (c) Subsection (12) shall apply to expenditures from the early childhood development fund and the Kentucky health care improvement fund created in KRS 200.151 and 194A.055.
- (6) The subcommittee shall review each project being submitted to the Agricultural Development Board. In reviewing the projects, the subcommittee shall determine whether the criteria or requirements required by KRS 248.701 to 248.727 have been met and whether any other relevant requirements have been met.
- (7)
 - (a) If the subcommittee determines that any of the criteria or requirements required by KRS 248.701 to 248.727, except as provided in subsection (5) of this section, have not been met, the subcommittee may, by majority vote, recommend to the board in writing that a project not be approved.
 - (b) If the subcommittee determines that all relevant criteria were met for proposals not approved by the board, the subcommittee may, by majority vote, recommend to the board in writing that the project be approved.

- (c) The reasons for recommending that a project be approved or not approved shall be stated in correspondence from the subcommittee, which shall be issued within thirty (30) days of action of the subcommittee.
- (8) If the board proceeds with approval of a project under the agricultural development fund that the subcommittee has recommended in writing not be approved, or refuses to approve a project that the subcommittee has recommended in writing be approved, the board shall provide a written explanation to the subcommittee as to why the board took that action on the project. The written explanation shall be sent within thirty (30) days of receiving the subcommittee's notification.
- (9) The subcommittee shall also hear cases that arise under KRS 248.721(9) and 248.711(4). In these cases the subcommittee shall provide a forum for discussion and possible resolution of differences between the board and the affected party. If the differences are not resolved, the subcommittee may, by majority vote, recommend to the board in writing a course of action.
- (10) The subcommittee shall maintain records of its findings and determinations. The records shall be transmitted to the appropriate interim joint committees of the Legislative Research Commission within thirty (30) days of making any determination.
- (11) The subcommittee shall issue an annual written report to the Legislative Research Commission regarding the findings of the subcommittee.
- (12) All expenditures under the early childhood development fund and the Kentucky health care improvement fund created in KRS 200.151 and 194A.055 shall be reported to the subcommittee. The expenditures shall be submitted in an electronic format in a manner approved by the Legislative Research Commission in order for the Commission to have a repository of information in Master Settlement Agreement funding expenditures.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 36, sec. 3, effective June 25, 2009. -- Amended 2003 Ky. Acts ch. 185, sec. 7, effective March 31, 2003. -- Created 2000 Ky. Acts ch. 530, sec. 12, effective April 26, 2000.