

# 2024 Legislative Priorities



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## Advocating for Your Business at All Levels of Government

Business leaders are often too busy attracting investments and creating jobs to focus large amounts of time on monitoring legislation and regulations, analyzing their effect and advocating for their passage, defeat or modification. That’s why Commerce Lexington and its Public Policy Council gather the top experts in a variety of industries, harness that knowledge, and advocate for the interests of business in the halls of our State Capitol or the Lexington-Fayette Urban County Government to create a more business-friendly environment. Each year, we work with you – our members – to identify issues affecting the business community and spotlight the best public policy solutions. Our strong working relationships with local, state and federal officials mean that you will be well-represented and your voice will be magnified by the

more than 1,900 members on whose behalf we speak. The statements listed inside this publication will guide Commerce Lexington’s advocacy efforts in 2024. If you have questions about an issue or your business has been impacted by a state issue, contact our Chief Policy Officer, Andi Johnson.

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## Commerce Lexington's Public Policy Division:

Commerce Lexington's Public Policy Council is the entity that takes the lead in the organization's advocacy efforts. The council members and chair are all volunteers and represent a variety of large and small businesses, local government, nonprofit organizations, education groups and utilities comprising a broad spectrum of Commerce Lexington's member companies. The Council's chairperson is appointed annually by the Chair of the Board of Commerce Lexington.

- Actively monitors legislative and regulatory activity from Urban County Government, Kentucky General Assembly and the U.S. House and Senate related to priority issues.
- Participates in legislative and legal coalitions, submitting letters, filing briefs, and testifying on behalf of business at committee meetings.
- Advocates for priority issues on behalf of the Lexington business community at the local, state and federal level.
- Provides communications to the business community during the Legislative Session and throughout the year about policy issues including bills or ordinances with impacts on business and the local economy.
- Helps members navigate government agencies and address issues impacting their business.
- Creates numerous educational and networking opportunities throughout the year from members to interact with local, state and federal officials or policy leaders.
- Manages the Public Policy Council, a committee of volunteer members representing a cross section of chamber membership. The Council develops the Policy Statements each year and guides the Commerce Lexington's position on key issues that impact economic growth.

## Commerce Lexington's Key Public Policy Events/Initiatives:

### Public Policy Luncheon Series:

This event series is a unique opportunity for members and guests to network over lunch and hear from leading state and national officials about current events and critical issues confronting our region, state, and country. The 2023 Policy Luncheon Series featured Congressman Andy Barr, Kentucky Governor Andy Beshear, Attorney General Daniel Cameron, and a panel of Lexington Councilmembers that included Vice Mayor Dan Wu, James Brown (At-Large), Jennifer Reynolds (District 11), Liz Sheehan (District 5), and Preston Worley (District 7).

### Central KY Legislative Day:

The focus of Central Kentucky Day at the Capitol is to provide an opportunity for advocacy, relationship building and issue education in Frankfort during the General Assembly. During the day-long event, business and community leaders from Central Kentucky, local and state elected officials, local chambers and economic development groups will come together in Frankfort to discuss state policy issues of importance to the region. During the visit, meetings enable attendees to interact with state legislators and top-level executive branch officials and other issue experts. Other invitees to the special legislative lunch include the Governor's Office and staff, Executive Branch officials and all state legislators.

### Washington D.C. Fly-In:

The Bluegrass Region's Annual DC Fly-In is comprised of Central Kentucky's leaders from the business community, non-profit sector, post-secondary institutions and local elected officials who travel to Washington, D.C. to meet with Kentucky's federal Congressional delegation to advocate on behalf of the region's federal legislative agenda. In addition to meeting with Kentucky's federal delegation, the D.C. Fly-In affords participants the opportunity to hear from various leaders and policy experts on Capitol Hill over a two-day period.

### Regional Summit & Regional Competitiveness Plan:

Commerce Lexington fully supports the implementation of the Regional Competitiveness Plan to improve the region's competitiveness for jobs and talent. The action initiatives include leadership engagement, developing a regional branding and marketing campaign, enhancing site selector awareness of the region and its assets, recruiting talent through a talent marketing campaign, retaining talent through an internship project, increasing state and federal funding for site development and other infrastructure needs, and advocating for changes to local and state tax and regulatory policies. Regions that work together effectively toward common goals are better positioned to successfully navigate the challenges of the future. About 250 people attended The Regional Summit last November to hear from national economic development experts and participate in breakout sessions focused on the key action items in the plan.





## Workforce Crisis:

Lack of access to a qualified and skilled workforce is one of the top issues facing businesses in Lexington and Central Kentucky. Commerce Lexington supports a multi-faceted approach at the local, state, and federal levels of government to help solve the workforce crisis. **The priorities include, but are not limited to:**

- **Childcare:** Support policy reforms and investments to help increase access to affordable, quality childcare options for working families including removing childcare as a barrier to employment by investing in the Childcare Assistance Program, supporting the development of the childcare workforce, and cultivating a mixed-delivery model of high-quality care.
- **Unemployment and Re-Employment:** Emphasize rapid re-employment for unemployment claimants by enhancing Kentucky's work search requirement, providing more effective re-employment services, and implementing reforms to reduce the amount of time individuals spend on unemployment.
- **Re-Entry:** Support for successful re-entry for formerly incarcerated Kentuckians including repealing the ban on KEES eligibility for ex-felons, removing barriers to second chance licensing, ensuring exiting inmates have photo-IDs, and increasing access to expungement.
- **Education Investment:** Invest in K-12 and higher education to increase post-secondary and credential attainment and support efforts to align resources to improve student engagement with career opportunities and pathways.
- **Substance Abuse Disorder:** Reignite efforts to fight the opioid epidemic and substance use disorder crisis by leveraging federal relief dollars and providing necessary resources to communities in most need.
- **Health:** Improve Kentucky's health outcomes, including reducing smoking rates by raising the cigarette tax and removing smokers as a protected class.
- **Resource Alignment:** Support the success of Kentucky's workforce development programs through improved resource alignment, tracking workforce spending, and evaluating programs for return on investment.
- **Training Support:** Support increased investments in education and training programs to upskill more workers to in-demand sectors. Lack of access to a qualified and skilled workforce is one of the top issues facing businesses in Lexington and Central Kentucky.

## Workforce Investment Funding:

The Federal Workforce Investment Program is a critical component to providing a highly skilled and educated workforce for businesses in the region. Implementation of the Workforce Innovation and Opportunity Act (WIOA) has been a positive step forward. 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. Commerce Lexington supports continued investments and policy reforms that align and improve existing workforce programs at the state level, and to support local and regional sector partnerships with employers to meet the workforce needs of a 21st Century economy.



Commerce Lexington urges the U.S. Congress, Kentucky Governor, and General Assembly to provide for workforce development efforts aimed at immediately engaging dislocated workers with skills training and job placement opportunities in high demand sectors and overhauling incumbent worker programs to help businesses train workers, avert layoffs and encourage upskilling. We continue to support the Work Ready Community, Sector Strategies, High Impact Workforce Investment Boards and Unified Business Services work at the state and local level. Federal and state leadership is vital in policy guidance to states and local communities. Commerce Lexington Inc. also supports investments in education and workforce development programs to help those negatively impacted by the pandemic get the training and skills necessary to excel in the evolving economy.



## Fayette County Public Schools:

Commerce Lexington is committed to partnering with Fayette County Public Schools (FCPS) in efforts to develop a 21st Century workforce. This includes support for ensuring equitable access, opportunity, and participation for all students, continuing the phased implementation of the school safety plan, and providing learning experiences – both in the classroom and within the community – that will help every child graduate academically prepared, college and career ready, civically engaged, culturally responsive and equipped for the future. We applaud the transparency, transformation, and accountability provided by the district in reporting its progress through status trackers, school and district report cards and an annual State of the Schools convening and Annual Report publication, as well as the alignment of district priorities to annual budget planning.

### Support for FCPS includes but is not limited to:

- **Digital Divide:** Commerce Lexington supports efforts to close the digital divide and reduce barriers to access, particularly in homes with students who qualify for federal free and/or reduced priced meal programs.
- **Quality Investments:** Commerce Lexington supports increasing investments in K-12 education, including but not limited to funding for public safety and career-based learning opportunities. We recognize numerous studies have determined that Kentucky’s education funding is inadequate and support full funding of public education to the levels required by the Kentucky Education Reform Act. Commerce Lexington is opposed to any cuts to the base SEEK funding and flexible focus funds (i.e. Extended School Services, Preschool, Professional Development, Textbooks and Safe Schools).
- **Diverse Leadership:** Commerce Lexington supports efforts to ensure equity, diversity, and inclusion among district leadership and the elected board member seats.
- **Early Childhood:** Commerce Lexington fully supports increased investments in early childhood education including universal preschool and the need to build an integrated system of early childhood education that addresses the needs of all children, adults and families. Commerce Lexington is committed to working with the Fayette County Board of Education and other community partners on efforts to increase access of high-need preschoolers to high-quality teaching and learning experiences directly within neighborhoods and communities where they live with high asset needs and concentrated poverty.
- **School Calendar:** Commerce Lexington supports the General Assembly increasing the number of school days closer to the national average of 180 days, and the international average of 193 days. Commerce Lexington opposes the state mandating a local school district’s calendar and advocates for keeping local decision-making reflective of the needs of each community.
- **School Safety & Resiliency:** Commerce Lexington recognizes the critical importance of ensuring the safety of our children at school, at home, and in the community, and continues to support local and state funding investments to support these needs.
- **Rigorous & Relevant Standards:** Commerce Lexington supports standards that are designed to be rigorous and relevant to the real world, reflecting the experiences, assets, knowledge, and skills that our young people need for success in life, college, and career. For Central Kentucky to be positioned to provide the workforce needed to compete for business recruitment and retention, our education standards must ensure the acquisition of rigorous academic content while also fostering critical thinking, communication, collaboration, creativity and other essential 21st Century skills needed to thrive in this complex, rapidly changing world.
- **Career Readiness:** Commerce Lexington supports additional emphasis and an urgency to increase funding for apprenticeships or other work-based learning to prepare today’s students for tomorrow’s careers. Commerce Lexington supports the government, education and business partners working in collaboration through regionally based approaches to build workforce pipelines that span the Commonwealth and meet employer needs. Commerce Lexington will support FCPS in advocacy for state and federal funding to assist with the district’s new CTE facility and programming.
- **Family & Community Engagement:** Commerce Lexington supports innovative approaches to reduce barriers to achievement and support the engagement of families, business leaders, and other caring adults as partners through a community based collective impact model. Commerce Lexington is committed to supporting other efforts that help transform schools from the outside in by strengthening families, neighborhoods and communities to address the effects of food scarcity, housing insecurity, poverty, and community-based trauma.
- **STEAM Critical to Compete:** Commerce Lexington supports legislative and local district efforts to increase graduates in the Science, Technology, Engineering, Arts and Mathematics (STEAM) disciplines to meet the ever-growing needs of employers.
- **Financial Literacy:** Commerce Lexington supports the inclusion of “Financial Literacy” education in school classrooms. This training can be achieved through traditional curriculum development or through private-public partnerships, such as Junior Achievement of the Bluegrass with the Fayette County Public Schools.



### Lexington Public Library:

Commerce Lexington fully supports the Lexington Public Library's work to provide quality educational resources and programs, access to technology, support for early and school-aged education, jobseeker services, and lifelong learning. All library services are available to anyone who lives or works in Fayette County, making it an invaluable regional resource for all ages.

### Effectively Combat Substance Abuse:

Commerce Lexington continues to support public policy efforts to curb the drug epidemic through a comprehensive approach aimed at prevention, treatment and criminal justice reforms. Substance abuse issues are having a negative impact on our workforce, particularly in terms of increased health care costs, loss of workforce productivity and fiscal impact of incarceration. Commerce Lexington will continue to partner with local, state and federal officials to address the illness of addiction. We urge officials to direct funding for these efforts in an effective and efficient manner using evidence-based approaches. We also support increased accountability over how these funds are being spent and urge increased transparency in outcome reporting.

### Fair Chance Employment:

Commerce Lexington supports efforts to increase fair chance hiring by employers. We support the Governor and General Assembly for the passage of limited felony expungement legislation in 2016 to help workers limited by a past mistake to re-enter and advance in the workforce. Commerce Lexington will continue to monitor, and support when appropriate, support efforts focused on reducing recidivism, making communities safer, increasing our workforce, and saving taxpayer dollars.

### Kentucky Educational Television:

Commerce Lexington fully supports the lifelong educational programming and services KET delivers to schools and the public. KET provides access, equity, and quality educational resources focused on student achievement, teacher preparedness and workforce development.



### Legislative Appreciation Breakfast:

The 2023 State Legislative Appreciation Breakfast was held in December at Kentucky Eagle. The event included opportunities to network with state legislators and learn about priority state issues. Several legislators with the Central Kentucky Caucus attended the event with an emphasis on members that represent Fayette County. **Kentucky Senate President Robert Stivers, House Speaker David Osborne, and Senate Minority Caucus Chair Reggie Thomas** provided insight on the upcoming 2024 Regular Session of the Kentucky General Assembly. (Photos by Commerce Lexington Staff)





## Bluegrass Community & Technical College / KCTCS:

Commerce Lexington supports BCTC in their efforts to support regional business development, enhance technical skills training, provide “work ready” employees, and create a seamless pathway to a bachelor’s degree. To that end, Commerce Lexington supports increasing funding for the Work Ready Kentucky scholarships, dual credit scholarships, KCTCS TRAINS, and the post-secondary performance-based funding model.

- Work Ready Scholarships:** BCTC will be advocating for continued funding of Work Ready Scholarships that support students in the five critical sectors in Kentucky’s economy. BCTC also supports continued funding for dual credit students to study in those areas. In addition, BCTC advocates expansion of Work Ready Kentucky scholarship into high demand fields currently not covered by the scholarship, such as education and childcare.
- Postsecondary Performance-Based Funding Model:** BCTC supports increasing the funding for the model which rewards institutions for performing against agreed on metrics with the Council on Post Secondary Education. Without those increases, increased costs such as inflation will lead to higher tuition when Kentucky’s community and technical college tuition is already higher than our surrounding states.
- Dual Credit Scholarships:** BCTC supports continued funding and support for free dual credit scholarships for students to shrink the time it takes to achieve a two-year associate degree and enter the workforce.
- KCTCS TRAINS:** Commerce Lexington supports customized workforce training and funding to support KCTCS-TRAINS funding. With TRAINS funding, businesses can offset the cost of eligible workforce training initiatives by up to 5%; new economic development projects are eligible for training incentives at 100% discounted rate. Expanded funding for KCTCS TRAINS will support economic development in the Commonwealth. The critical decision point for industry expanding operations or new industry contemplating locating in Kentucky is the availability of a skilled workforce.

Commerce Lexington also supports BCTC’s effort to make completion of the Free Application for Federal Student Aid (FAFSA) mandatory in high school, with common-sense opt-outs for students who may not be able to complete. The number of high school students who complete the FAFSA is declining nationwide; to address the downward trend, many have states have recently passed FAFSA completion requirements, which help students realize that they are eligible for federal funds and makes path to college more attainable.





### University of Kentucky:

Commerce Lexington supports the University of Kentucky and its commitment of nearly 160 years to pursue interdisciplinary research and discovery. The University of Kentucky (UK) is an institution with tremendous momentum – marked by record first-year overall enrollment, surging graduation and student success rates and a renewed commitment to serving the state through education, research, ingenuity and health care that now touches virtually every corner of the Commonwealth. Commerce Lexington appreciates Congress' continued support to crucial programs and initiatives that improve Kentucky's health through investments in medical research, public health, patient care and materials science and advanced manufacturing. Commerce Lexington urges Congress to continue investing in sustained and increased funding for these critical research areas so important to both health and economic competitiveness. Commerce Lexington recognizes and supports the University of Kentucky's critical role in workforce development, health care and economic development for Lexington and all of Kentucky. States with nationally recognized public research universities have healthier, more prosperous citizens. Commerce Lexington urges the Governor and General Assembly to continue to support UK by funding the Performance Funding model. In a little more than a decade, UK initiated or approved some \$4.5 billion in capital investments to improve student success, instruction, research and discovery, and health care. Many of those investments are the result of public-private partnerships, philanthropy, strategic use of university resources, and support from UK Athletics.

#### Other major markers of progress include:

- First-year preliminary fall enrollment numbers show nearly 6,500 first-year students — a record number. Similarly, overall preliminary enrollment is also a record high of more than 34,000 students. UK's six-year graduation rate is now at 70 percent — a record — and more than 10 percentage points higher than it was a decade ago. Four-year-and-five-year graduation rates are also at record levels.
- In 2020, according to the most recent data available, only about 18% of public institutions that primarily grant bachelor's degrees or higher had six-year graduation rates of 70% or more.
- UK also continues to make significant strides in having a diverse and inclusive student body.
- Nearly 17 percent of students enrolled are from underrepresented populations, an increase in both number and percentage over last year. This continues an upward trend in underrepresented student enrollment that has produced more than 1,400 credentials earned by students of color in 2022-23, a 251 percent increase since 2010-11. In addition, nearly 19 percent of UK's first-year students are from underrepresented populations. Additionally, about 25 percent of first-year students are "first gen" students – meaning they will be the first in their families to graduate from college, a number that continues to increase as well.
- UK's \$6.8 billion budget projects \$494 million in revenue from research grants and contracts — the third straight year the research enterprise would top \$400 million. Much of that revenue is directed toward Research Priority Areas — a focused attempt to address Kentucky's biggest challenges around cancer and diabetes, substance misuse and neuroscience, heart disease and energy as well as systemic issues around race and equity.
- UK HealthCare — Kentucky's top hospital for the last eight years — continues to meet the needs of patients and families who require complex, quality care through its network of providers and state-of-the-art academic medical center. Its Markey Cancer Center was nationally ranked among the Top 50 again this past year, a ranking it has achieved for several years, and it was recently designated a comprehensive cancer center by the National Cancer Institute. Markey is the only such center in Kentucky and one of only 56 in the country.
- In 2018, UK launched "Kentucky Can: The 21st Century Campaign" — a \$2.1 billion comprehensive campaign focused on six major areas of the university: student success, health care, research, endowment, alumni and athletics. The campaign was successfully completed in fall 2023. More than 162,500 unique donors contributed to *Kentucky Can*. Broken out, this number includes nearly 71,000 UK alumni (including nearly 22,000 new alumni) and represents supporters from all 120 Kentucky counties, all 50 states and 50 countries from around the world. And more than half of these supporters made their first gift to UK during the last five years of the public campaign.





## Reduce Tobacco Use:

Kentucky continuously leads the nation in use of tobacco and tobacco related products in adults, among pregnant women and among high school and middle school students. The tobacco related loss of economic productivity is over \$2 billion dollars annually in Kentucky alone. Commerce Lexington fully supports raising Kentucky's cigarette tax on all tobacco and tobacco related products to be more in-line with the national average. CLX supports tax parity on e-cigarettes equal to the tobacco tax rate on traditional cigarettes. Initiatives should be implemented to reduce smoking by Kentucky residents.

## Medicaid Sustainability:

More than 1.5 million Kentuckians are enrolled in Medicaid – more than 35% of Kentucky's total population. Commerce Lexington remains concerned about the increased cost Medicaid benefits and the impact on the General Fund budget. We support efforts to create a sustainable Medicaid program to protect critical state investments in education and other vital programs.

## Increase the Number of Health Care Professionals in Kentucky:

Many areas of Kentucky are underserved by health care professionals, which contribute to poor access and higher medical costs for our citizens. Commerce Lexington encourages lawmakers to initiate programs and funding or support policies that encourage medical professionals to serve all areas of Kentucky and all Kentuckians.

## Health & Wellness Programs:

Commerce Lexington supports legislation that provides tax credits and incentives to employers for creating health and wellness programs for their employees. Health and wellness programs may serve as an effective health care cost containment measure and serve to promote personal responsibility among employees for their own health outcomes. Commerce Lexington will continue to support programs and policies that incentivize companies to educate and promote health and wellness for their employees, including increasing access for employees to mental health resources.



Our **SPOTLIGHT Series** event in 2023 featured a discussion with the presidents of our regional health care systems, including Chris Roty (Baptist Health), Anthony Houston (CHI Saint Joseph Health), Stephen Behnke (Lexington Clinic), and Robert DiPaola (UK HealthCare). (Photo by Commerce Lexington Staff)



## Protect Low-Cost Energy:

Commerce Lexington urges local, state and federal officials to support efforts to maintain affordable low-cost, reliable energy for business and residents. Kentucky offers some of the lowest electricity rates in the nation due in large part to the abundance of coal resources, natural gas and two regional transmission organizations as resources for electricity generation. This competitive advantage has allowed Kentucky to attract thousands of manufacturing jobs and energy intensive industries like automotive, steel and aluminum, automotive, aviation and aerospace that employ tens of thousands of Kentuckians. Commerce Lexington remains concerned about the economic impact of proposed regulations on carbon emissions, electricity generating facilities, and new regulations on Kentucky's mining industry.

- **Coal:** Support coal remaining an integral part of our nation's energy portfolio, ensuring a level playing field for all low-cost fuel sources to provide low-cost electricity. Coal provides more than 70 percent of Kentucky's electricity helping to make our electricity some of the most economical, reliable, and resilient in the U.S.
- **Mineral Recovery:** Encourage the recovery of rare earth, critical minerals and advanced carbon fiber from the state's coal reserves to protect national security.
- **Natural Gas:** Encourages the investment in production and use of other reliable energy fuels like natural gas and renewable natural gas (RNG). Supports flexibility in compliance and safety regulations. Kentucky's oil and gas industry has a total value production of more than \$1 billion and employs 9,000+ Kentuckians. Commerce Lexington supports financial and infrastructure incentives to help stimulate adoption of natural gas and RNG transportation fuels to ensure that both are readily available for economic development. Central Kentucky could benefit from increased use of compressed natural gas (CNG) or liquefied natural gas (LNG) motor transportation fuels such as those used for in-state and inter-state trucking fleets, waste haulers, delivery and repair vehicles, and personal cars and trucks.
- **Fair Regulations:** Support review, elimination, or updates to outdated or duplicative regulations to ensure a level playing field for all low-cost fuel sources.
- **Research & Technology Investments:** Supports research, development and utilization of new technologies for a cleaner energy strategy for continued reductions in carbon emissions and greenhouse gases while limiting unreasonable adverse impacts on coal and gas industries.
- **Energy Efficiency Measures:** Support investments in energy efficiency measures, alternative fuels and renewable energy to spur economic growth and energy innovation including grant opportunities for the University of Kentucky's Center for Applied Energy Research.

## Promote a Sensible Regulatory Approach:

Commerce Lexington strongly supports commonsense regulatory reform that restores accountability, transparency, the use of scientific data and public participation in the rule making process across all local, state and federal agencies. We oppose regulations at the local and state level that are more stringent than federal regulations, and those that result in significant adverse economic impact on citizens, farmers, cities and industries. We urge all levels of government to engage in a thorough review of existing regulations, current MOU's, MOA's and other guidance documents to identify statutes or regulations that need to be clarified, eliminated or modified to increase economic competitiveness for businesses. Commerce Lexington appreciates the U.S. EPA's efforts to provide states with more flexibility in managing their environmental programs and encourages continued efforts to identify more creative ways for states and the U.S. EPA to collaborate on regulatory and enforcement issues. Government agencies should be asked to demonstrate the economic impact to businesses and local communities of implementing new regulations. Consent Decrees or other legal or administrative requirements should take into account and publicly demonstrate the ability of local governments, quasi-governmental agencies, schools and businesses to afford the alternatives demanded by the state and/or EPA. These financial analyses should be conducted by people with experience in developing financial impacts before the solution is finalized. If it is determined that the entity cannot reasonably afford the solution required by the state or federal agency, then the state should be required to assist the entity in developing an alternate financial plan.

## Storm Water/Sanitary Sewer & Consent Decree Implementation:

Commerce Lexington will continue to monitor implementation processes to ensure the LFUCG's plan to meet EPA requirements is completed in a timely and cost-effective manner. We support periodic, independent performance reviews/audits to ensure taxpayer dollars are being used efficiently by local government throughout project implementation.

## Track New Sanitary Sewer & Storm Water Permits and Fees:

Commerce Lexington will continue to engage local and state officials to ensure that requirements of new sewer and storm water permits, fees, applications and guidance documents are not too restrictive and do not exceed state or federal regulations and that the plan and the implementation schedule is feasible and cost effective. We also will continue to educate members about the impact of the new permits.



## Streamline Environmental Permitting:

Implementation of infrastructure projects is critical for community and economic development. Often the public projects are subject to requirements for review of environmental impacts in accordance with the federal National Environmental Policy Act. Although such impacts can and should be considered, the process for evaluation of, and challenges to, infrastructure projects on that basis must be streamlined to assure that important public infrastructure projects are not victims of procedural maneuvering and unnecessary delay.

### Commerce Lexington supports legislative efforts that:

- Encourage concurrent review and approval of permits, where feasible. For critical infrastructure or environmental permits, have a lead agency designated to ensure that good communication is established between the applicant and affected agencies. This person would be responsible to ensure that all permits necessary are identified, permit review timeframes are established and met, or the timeframes for permit review are reduced.
- Allow interested applicants to reimburse the department for overtime costs incurred by employees that work overtime to expedite a permit, modification, license, registration or variance.
- Afford Departments within State Government the ability to hire contractors to expedite issuance of a permit modification, license, registration or variance.
- Have each Agency provide on-line specific information regarding how best to achieve timely permitting decisions; provide clear expectations for applicants to improve the quality of applications; establish performance measures for review staff and develop, improve and encourage electronic permitting tools.
- Ensure that the permitting process will be balanced and will take into consideration economic impact of the project, public need and the requirements of existing environmental laws and regulations.

## Support Energy Efficiency Measures:

Across the nation, companies - including those in Central Kentucky - are taking positive measures to make their operations more energy efficient which has led to a reduction in carbon emissions. Commerce Lexington supports voluntary energy management programs, because they are good for the environment and financially good for business. Commerce Lexington supports incentives for companies that go above and beyond their regulatory requirements and recognizing companies who have already implemented positive best management practices to reduce their energy consumption.

## Air Quality Rules & Regulations:

Commerce Lexington will engage local and state officials regarding the development of the air quality standards to ensure these regulations are not too restrictive, have the least cost impact on business, and protect Kentucky's low-cost energy rates.

## Brownfield Redevelopment:

Commerce Lexington strongly supports the use of Brownfield Redevelopment in communities through available state programs such as Kentucky's Bonafide Purchaser Program which reduces liability for future property owners. These programs should be expanded to allow tax incentives, low interest loans or grants or other federal and state matching funds for those committed to redeveloping the state's Brownfield sites.

## Water Quality Regulations:

Commerce Lexington supports a process that enhances oversight of the review and approval of changes to new General Permits and other administrative actions that are proposed by state agencies. Commerce Lexington supports the President's Executive Order to rescind and clarify a commonsense approach to developing a Waters of the U.S. rule. It is important to more clearly define how a water will be regulated by the U.S. EPA and the U.S. Army Corps of Engineers under the Clean Water Act. These designation methods should avoid adverse impact on economic development due to unreasonable regulations and permitting.

## Solid Waste:

The management of solid waste is a local responsibility and existing law allows local governments the necessary flexibility to develop a solid waste disposal strategy unique to the needs and expectations of their individual communities. Commerce Lexington urges enhanced enforcement and education to address illegal dumping and littering. We support programs such as Eastern Kentucky PRIDE and Bluegrass Greensource that encourage and assist citizens, local governments and schools to clean up illegal trash dumps and other solid waste problems as well as promoting environmental awareness and education. Education remains a critical component in changing the habits and attitudes of individuals across Kentucky. We also support programs that educate Kentuckians on the benefits of recycling, programs that make recycling more convenient, and strategies that develop and enhance market demand for recycled materials. Commerce Lexington believes that this type of multi-faceted strategy will have a more significant, long-term impact in addressing the need for Kentucky to embrace recycling. Some of Kentucky's solid waste statutes are currently more than their federal counterparts. Commerce Lexington supports reasonable, thoughtful reviews and updates to current solid waste rules that will provide consistency and clear direction to the regulated community.





### Employer Rights:

Commerce Lexington supports protecting the rights of employers to make decisions that make the most sense for their business, staff, and customers. This includes the right to mandate vaccines. Every day, employers are making difficult decisions to ensure they are protecting their workforce and patrons, and these decisions are not made lightly. Employers have an obligation to act, to listen to multiple perspectives, and to balance the needs of the diverse workforce with protecting customers and staff. The laws in place allow employers to do this and account for the fact that all workplaces are different and have varying levels of risk.

### Business Liability Protection:

Kentucky's liability climate is a major barrier to economic growth, particularly for healthcare. Commerce Lexington supports passing meaningful reforms to Kentucky's legal liability system to improve our competitiveness for jobs and talent. Commerce Lexington also supports effective measures to address the escalating costs of health care and medical malpractice insurance for health providers, to lower health care costs, health insurance premiums, and improve access to care. Commerce Lexington supports further reforms such as a constitutional amendment that would permit the Legislature to consider comprehensive tort reform. Kentucky is the only state in our region that does not have any form of caps on non-economic damages. These damages involve no direct economic loss and have no precise value. It is very difficult for juries to assign a dollar value to these losses, given the minimal guidance they customarily receive from the court. Kentucky's legal liability climate discourages many health care providers from locating in Kentucky and represents a barrier to economic development in the region.

### Wage Mandates:

Commerce Lexington supports government efforts to find balanced, long-term solutions to the problems confronted by our community. We do not support private sector wage mandates that exceed state or federal guidelines.

### Immigration:

Commerce Lexington Inc. supports a comprehensive immigration reform package which includes modernizations to the guest worker program which addresses the needs of all Kentucky's workplaces.

### Safer Workplaces:

Commerce Lexington supports allowing employers to share factual and documented information about past employees, without subjecting themselves to undue liability, when providing references to inquiring employers during the hiring process. We also support legislation to allow employers to help fight illegal drug use in the workplace. Commerce Lexington opposes any expansion in the current concealed/carry laws that would allow employees to bring deadly weapons into the workplace.

### Public Employee Pension Systems:

Commerce Lexington remains concerned about the financial viability of Kentucky's public employee pension systems, the downgrading of state's bond rating and the negative impact on businesses. Commerce Lexington strongly urges the General Assembly to continue progress toward the goal of establishing equitable retirement and health insurance benefits for new hires that more closely resemble those available in the private sector. Commerce Lexington supports a comprehensive review of all public employee pension systems (including the Kentucky Teachers Retirement System) and related benefits and encourages state legislators to consider other serious structural changes to all systems to assure funding pensions does not cripple state government's ability to provide essential services. Commerce Lexington will continue to monitor reform implementation with emphasis on assuring no benefit increases without full funding and the inclusion of actuarial required contributions in the state budget. Commerce Lexington discourages lawmakers from using bonding to address shortfalls in state pension funds, which could jeopardize the state's financial stability for future generations.

### Public Employee Collective Bargaining:

Commerce Lexington strongly opposes public employee collective bargaining. Public employees are afforded significant benefits, job protections, and established rank and pay scales. The adjustment or alteration of these benefits are decisions that can and should be made as a matter of public policy.

### Revision of Statute of Limitations:

Commerce Lexington Inc. believes that Kentucky's five-year statute of limitations on employee wrongful termination or discrimination lawsuits places an undue requirement on employers. Commerce Lexington supports changes to Kentucky's statute that would make all employment discharge and discrimination type actions more uniform with federal guidelines while still protecting employees and employers.



## Workers' Compensation:

Commerce Lexington applauds the General Assembly for enacting reforms in 2018 to the state's workers compensation system to provide clarity to statutes, improve return to work outcomes and lower costs for employers. We will continue to monitor the implementation of these reforms and support workers' compensation regulations that offer clear and objective definitions of injury and disability, use objective medical findings of impairment for awards, reduce litigation, encourage retraining and education, and return to work while abating growing costs for central Kentucky employers. Commerce Lexington supports legislative or regulatory measures that will help control Kentucky's rising medical and prescription drug costs in workers' compensation cases without disrupting needed services to injured workers.

## Unemployment Insurance:

Commerce Lexington believes that the integrity of the unemployment insurance trust fund should be maintained and opposes efforts to utilize the fund in ways that are contrary to its original purpose of providing unemployment insurance to temporarily displaced workers. Commerce Lexington will continue to monitor the implementation of the reforms to the state's unemployment insurance system, and support efforts to reform the benefit structure to keep costs and benefits competitive with other states and increase workforce participation. Commerce Lexington supports efforts to provide those out-of-work with access to training and career counseling. To keep unemployment insurance (UI) taxes on Kentucky employers competitive, reforms should incorporate changes to the UI tax structure, and state lawmakers should fully restore the

state UI trust fund to pre-pandemic levels. Employers participating in the unemployment insurance program face significant tax increases to recover the trust fund balances to pre-pandemic levels.

## Employer & Labor Union:

Maintaining the balance between labor unions and employers is critical to continued job creation. Commerce Lexington Inc. urges federal officials and the National Labor Relations Board (NLRB) to support policies and rulemaking that promote economic growth. We strongly encourage the appointment of a full and balanced NLRB and urge federal and state officials to fight changes to our labor law system that undermine employer-employee relations.

- Maintain a balance of representation on the NLRB, with members properly vetted and ratified through Congress.
- Protect secret ballot elections to form unions.
- Maintain functional grouping of business units that do not pit "sub" or "micro" units against each other in organizing efforts (micro unions).
- Maintain a company's ability to educate employees on the consequences of unionization, do not include binding arbitration provisions, and do not impose one-sided penalties.
- Consider the use of email and social media to misrepresent picketed areas, an Unfair Labor Practice.





Commerce Lexington recognizes that in an increasingly competitive global marketplace, promoting long-term economic development and job growth must be a top priority when revenue options are being considered. Tax and regulatory policy at all levels of government must be guided by a well-researched, balanced approach that provides for necessary public investments and expenditures, while avoiding policies that could serve as disincentives to economic growth and private sector employment and investment.

State and local tax code changes should recognize and encourage long-term future growth and provide sufficient revenue options. Commerce Lexington applauds the General Assembly for taking steps to modernize the state's tax code by creating a process to lower the individual income tax over time. Commerce Lexington encourages lawmakers to continue to monitor the impact of Kentucky's tax code on the private sector and to take action when necessary to ensure Kentucky remains competitive with its surrounding states.

Commerce Lexington urges the General Assembly to follow through on phasing out the state individual income tax. House Bill 8 from the 2022 legislative session is a long-game policy that created a framework to lower Kentucky's individual income tax over time as revenue triggers are met. This legislation requires the Department of Revenue (DOR) to conduct annual assessments of the revenue triggers established under the law. 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. Commerce Lexington encourages lawmakers to act promptly and consistently to reduce rates when the annual review process by Department of Revenue shows that the trigger conditions have been satisfied. As the bill works to phase out Kentucky's individual income tax over time, lawmakers should routinely review it and consider ways to improve it, including potential changes to the bill's revenue triggers. Commerce Lexington is also supportive of adjustments to other revenue generators, such as 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.

## Continued State Tax Modernization:

As the Kentucky General Assembly continues efforts to modernize the state and local tax structures, Commerce Lexington strongly urges lawmakers to evaluate existing state and local tax policies and proposed changes by using the following criteria:

- **Effective:** Tax policies should be reviewed to determine the intended or unintended consequences. Tax laws proving contrary to their intention or more burdensome than intended should be repealed or scaled back.
- **Competitive:** Tax policy should promote a positive climate that encourages increased investment and job growth.
- **Revenue Sensitive:** Tax policy should provide sufficient revenues overall to fund critical priorities.
- **Predictable:** Sources of tax revenue should be relatively predictable and stable over time.
- **Equitable:** Tax policy should be fair but must not discourage economic activity, employment, or wage growth.
- **Efficient:** Any tax policy must be designed to facilitate cost efficient compliance and administration.

## Local Tax Reform:

Commerce Lexington supports an amendment to the Kentucky Constitution, and enabling legislation, that would provide local governments with more diverse taxing options and allow local communities to create more competitive tax structures for jobs and talent.

## Alcohol Taxes:

As part of comprehensive tax reform, Commerce Lexington believes Kentucky must examine how other states tax distilled spirits, beer and wine. Kentucky has one of the top five tax rates on alcohol sales in the U.S., higher than all contiguous states except Tennessee. The Kentucky General Assembly should consider rolling back the wholesale tax on alcohol sales to make the Commonwealth's distilled spirit and alcoholic beverage industry more competitive with surrounding states.



## Revise Limited Liability Entity Tax:

Commerce Lexington supported the 2006 Tax Modernization by the General Assembly. However, the creation of the Limited Liability Entity Tax (LLET) and the lack of ability to offset passthrough credits against tax on income from other businesses and other years have become problematic. Commerce Lexington supports efforts to adjust the tax code to encourage entrepreneurial investment in the Commonwealth.

## Regulatory Reform:

Commerce Lexington urges federal, state, and local governments to consider a comprehensive review of the regulations, taxes and fees impacting businesses to determine areas where these policies could be modified, reduced, streamlined or eliminated to improve government efficiency and create a more business friendly environment for Lexington and Kentucky. We encourage sensitivity at the local and state level to regulations that are more stringent than federal regulations that hurt Kentucky's economic competitiveness. Commerce Lexington also strongly urges state and federal officials to support commonsense regulatory reform that restores accountability, transparency and public participation in the rule or regulation making process. Commerce Lexington opposes unfunded mandates trickling down from federal and state agencies that impact local governments without regard to the affordability of the mandates, and the ability of a local community, its businesses and taxpayers to absorb the costs.

## Data Privacy:

Commerce Lexington supports legislation to address data privacy issues that protects the needs of different consumers and places understandable and reasonable regulatory requirements for businesses to follow. 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. Commerce Lexington supports a federal approach to data privacy regulation to avoid a patchwork of state laws, 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.





### Tourism Development:

The tourism industry is an important component of an overall economic development strategy. Commerce Lexington supports initiatives and incentives designed to enhance state and local tourism and the meetings/convention industry's positive impact through the promotion of attractions, experiences, and events in the Greater Bluegrass region.

### Bourbon:

Kentucky's Bourbon industry is facing increased competition from other states who have created lower barriers to entry for new distilleries with fewer taxes, less regulation, and more privileges. To maintain and strengthen Kentucky's distilling industry, Commerce Lexington supports lowering the distilling tax burden from its rank as the state's highest taxed industry, as well as modernizing Prohibition-era constraints. In doing so, Commerce Lexington supports parity with the treatment of spirits, wine and beer and urges the General Assembly to address policy issues in this area including supporting limited self-distribution for craft distillers, giving small distilleries the ability to market and distribute limited amounts of their product in a similar manner as craft beer and wine are currently allowed under law, and 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. Commerce Lexington also supports state-supported funding for educational and responsibility initiatives. Finally, Commerce Lexington 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.

### Malt Beverage & Craft Brewing:

Commerce Lexington is proud of our locally owned craft breweries and our locally owned distribution network. We support the maintenance of a strong and independent 3-tier system for the sale, distribution and regulation of malt beverages. This system promotes family-owned and operated businesses, preservation of jobs, strong community reinvestment, and the ability of large, regional, and small/local brewers to deliver their products to the market and ultimately the consumer.



### Equine:

Thousands of acres of horse farms, world class venues, such as Keeneland and the Kentucky Horse Park, and many horse-related national headquarters, including the United States Equestrian Federation, earn Kentucky the title of Horse Capital of the World. The American Horse Council's 2017 Economic Impact Study of the Horse Industry calculated that the industry had a \$3.9 billion economic impact on Kentucky and generated 56,603 jobs. Because of the substantial economic impact that the equine industry has on our region, Commerce Lexington supports initiatives to protect and enhance the future growth of the equine industry. At the state level, these efforts include ensuring continued wagering on historical horse racing, innovative tax approaches, purse increases, increased funding for breeder incentive programs, appropriate funding to maintain the quality of the Kentucky Horse Park, and other assistance to allow our equine industry to remain competitive. Kentucky's sales tax on equine products puts our region and the Commonwealth at a disadvantage with competitor states. Commerce Lexington supports efforts to eliminate this competitive disadvantage in tax reform. Federally, this advocacy includes support for the Market Access Program that enables U.S. agricultural trade associations, cooperatives, state regional trade groups and small businesses to share the costs of overseas marketing and promotional activities that help build commercial export markets for U.S. agricultural products and commodities; trade policies that open markets for the safe import and direct export of horses; and immigration reform to meet workforce needs in agriculture industries.





## Regional Competitiveness Strategy:

Commerce Lexington supports increasing regional competitiveness for jobs and talent through the implementation of the Regional Competitiveness Strategy. The strategy is focused on 7-action items including Increasing marketing investment in regional branding and site selector awareness of key sectors; supporting a multi-jurisdictional product development strategy to secure more job ready land including regional, mega-site business parks; educating key leaders in the region about economic development needs to support regional competitiveness; developing a regional talent attraction recruitment/attraction marketing campaign with message alignment and focus on quality-of-life strengths; developing a strategy to connection businesses with students in the region; coordinating advocacy for federal and state infrastructure, site development funding and talent marketing funding; and advocating for improve policies related to competitiveness such as improved tax/regulatory policies and housing affordability.

## Economic Development Incentives & Partnerships:

Established in 2007, Commerce Lexington continues to strengthen its partnership between the Lexington-Fayette Urban County Government, the University of Kentucky and the Kentucky Small Business Development Center to encourage economic development, investment and job growth in Central Kentucky. Commerce Lexington supports the development of new incentives and investment strategies to help Kentucky's businesses grow and prosper in today's global economy. Although not a substitute for comprehensive tax reform, Commerce Lexington supports incentive programs designed to encourage the growth of high wage jobs, long-term investment in strategically defined industry sectors, small business promotion, or other significant economic development projects that demonstrate a clear return on investment and would not otherwise occur without the incentive. Commerce Lexington urges lawmakers to continue to support, and in some cases, consider enhancements to the state incentive programs promoting business growth and job creation, such as the Kentucky Business Investment program (KBI), Kentucky Enterprise Initiative Act (KEIA), Kentucky Reinvestment Act (KRA), Kentucky Investment Fund Act (KIFA), SBIR/STTR matching program, and the Kentucky Skills Network workforce training programs. Commerce Lexington supports a modification of the Kentucky Reinvestment Act (KRA) to include service and technology firms in addition to manufacturing firms within the KRA program to retain service and technology jobs in the Commonwealth. Commerce Lexington supports linking the tax credits directly to job retention and would support implementing minimum requirements for companies to meet before the tax incentives become available.

## Ag-Tech/Hemp:

Commerce Lexington supports efforts that clarify the legality of financial transactions in hemp commerce, and that promote fair and expeditious regulations of hemp products like cannabidiol (CBD) by the U.S. Food and Drug Administration. We also support Mayor Linda Gorton's efforts to promote ag-tech businesses and the growing hemp industry in Lexington.

## R&D Investment Incentives:

American corporations focus their research and development activities on the development of new products, processes, and services while relying on research universities to do basic scientific research. In order to supplement basic research investment by federal agencies, Commerce Lexington supports the establishment of federal and state tax incentives to encourage corporations to make cash investments or endowment gifts to research departments or proof of concept centers of public research universities. Incentives should also be in place to encourage corporations to make investments in high-tech, high-risk start-up technology companies.

## High-Tech Ecosystem:

Commerce Lexington Inc. supports initiatives that encourage the continued development of the knowledge-based economy in central Kentucky. We support policies that facilitate the development and retention of high-tech manufacturing and biotechnology investments in our region and specifically encourage additional research and development and technology transfer activity. Commerce Lexington will be an advocate for public-private partnerships that move ideas to theory, theory to applied research, and applied research to profitable commercial application. To help provide additional financial support enabling such business activity to occur, Commerce Lexington supports the development of seed capital funds that focus on central Kentucky investments and the promotion of innovative companies to existing venture capital firms. Commerce Lexington encourages the federal government to continue the Small Business Innovation Research (SBIR)/ Small Business Technology Transfer (STTR) and for Kentucky to continue funding the state's match program for these startup companies. We urge state government to support policy changes to the state's SBIR/STTR grant matching program that target investments in the most viable companies for commercialization, provide those businesses with more entrepreneurial support to aid growth and allow for the state to have a greater return on investment (ROI) for those incentives. Commerce Lexington also supports continued funding of the Kentucky Innovation and the Angel Investors Networks.





### Housing Affordability:

Rapidly rising home prices combined with low inventory in Fayette County are pricing families, essential workers, and first-time homebuyers out of the market. Providing adequate levels of housing to meet the needs of the region's workforce is an issue of concern for expanding and relocating companies. To attract the talent needed to support a diverse and growing economy, government leaders must plan for continued growth and development, seek innovative policy solutions to the housing issue in collaboration with community stakeholders and evaluate the impact each policy decision on our ability to develop and maintain housing options within the reach of all our citizens. Commerce Lexington supports efforts to increase the availability and affordability of housing in Lexington and the region and create housing opportunities in all price ranges for all citizens.

### Public-Private Partnerships:

Commerce Lexington encourages the use of public/private partnerships (P3) by local and state government agencies for the delivery of services and/or the construction and/or management of a variety of infrastructure related projects. To ensure accountability in contracting with private entities, it is essential that proper safeguards be in place to ensure transparency and that quality services are delivered at a lower cost to taxpayers.

### Condemnation:

Commerce Lexington is opposed to government acquisition of privately-owned businesses through condemnation for the purpose of operating the business.

### Government Efficiency:

Commerce Lexington supports the need for government modernization and increased efficiency. Commerce Lexington will continue to urge the General Assembly to focus on spending reforms across government, including the areas of public employee health benefits, the public employee pension system, corrections and Medicaid.

### International Trade:

Kentucky has established itself as a major exporter in a broad range of industries – from manufacturing to agriculture, as well as an attractive location for foreign investments. Kentucky set a new record in 2017 with \$30 billion in exports. These exports directly support 140,000 jobs in Kentucky, with tens of thousands more indirectly supported by exports. Commerce Lexington Inc. urges elected officials to support fair and equitable trade agreements that open new markets and create new opportunities for businesses and workers in our region. We remain concerned about the negative economic impact of tariffs proposed or imposed, as well as the continued uncertainty over the future of trade agreements, on Kentucky's signature industries. Commerce Lexington will continue to monitor these issues, seek feedback from local employers and communicate economic impacts to federal officials.

### Land Use Planning:

Commerce Lexington Inc. supports local control and decision-making in the areas of land use planning. Commerce Lexington believes it is imperative for regional communities to collaborate and coordinate regional planning efforts related to natural resources, housing, utilities, economic development, transportation and the possibility of revenue sharing. Through the Bluegrass Alliance and Central Kentucky Policy Group, Commerce Lexington works closely with local governments, economic developers and community leaders throughout central Kentucky to develop a common vision for the prosperity of our region.

- Commerce Lexington encourages communities to develop comprehensive plans that balance the need for housing and economic development while protecting agriculture industries and natural resources.
- Commerce Lexington supports initiatives to provide a sufficient supply of land that is readily available for economic development opportunities and job creation through a public and/or public-private business park aimed at recruiting high wage jobs.
- Commerce Lexington will continue to advocate for land for job creation to include the following components, such as, but not limited to: shovel-ready, properly zoned, infrastructure and transportation access, large block tracts, and competitive pricing.



Having a dependable transportation network is critical to Central Kentucky's economic vitality. Thriving communities must be able to move workers, provide services and transport products to market quickly and safely. Commerce Lexington supports a regional transportation approach, and investments in the infrastructure required to improve interconnectivity in the region and along the state's vital corridors. Maintaining adequate funding for transportation infrastructure remains an issue of concern at both the state and federal levels of government.

## Roads & Bridges:

Commerce Lexington urges lawmakers to find long-term solutions to ensure sufficient, sustainable and reliable funding for all modes of transportation for projects critical to economic development. Commerce Lexington applauds the passage of federal infrastructure legislation to support new investments for all transportation systems. We also support policies that ensure timelines are maintained for the completion of environmental impact studies and the inclusion of funding for necessitated utility infrastructure costs required by public improvement projects. Without inclusion of such funding, local utility customers would disproportionately bear costs associated with public improvement projects benefiting the public at large, including critical regional infrastructure to improve connectivity such as the U.S. Department of Transportation's BUILD grants for local communities. We also urge Administration officials and Congress to support policies that ensure timelines are maintained for the completion of environmental impact studies. We also support funding for necessitated utility infrastructure costs required by public improvement projects. Without funding, local utility customers disproportionately bear costs associated with public improvement projects. At the state level, we support modernizing the transportation funding distribution model to make it more equitable for areas with higher levels of transportation activity and needs. Commerce Lexington further supports modernizing the method for funding infrastructure to better reflect the current state of transportation as well as anticipate future needs on our transportation systems.

## Energy & Utility Infrastructure:

Economic development often requires extensive capital investment for the extension of energy infrastructure to serve new and growing businesses. Commerce Lexington supports legislation and regulatory action to allow Kentucky's utilities to develop financial mechanisms and capital incentives to extend their facilities to new and expanded businesses, industrial and business parks, residential development and other locations which will result in the creation of new economic growth currently without adequate utility services.

## Airports:

Commerce Lexington supports federal and state funding to ensure on-going and stable development of Blue Grass Airport and the three general aviation airports vital to the regional economy. At the federal level, Commerce Lexington supports passage of an FAA Reauthorization Bill. FAA Reauthorization, as well as the associated FAA Airport Improvement Program (AIP) funding bills are desperately needed to continue development of the aviation infrastructure needed to support the growth of the region. Commerce Lexington also supports the relocation of the current FAA Air Traffic Control Tower at Blue Grass Airport (LEX) so that the airport can redevelop the passenger Terminal to meet the demands indicated in the most recent airport master plan. At the state level, Commerce Lexington supports a funding mechanism to allow for a state airport grant program with flexibility to more effectively leverage funding to meet the needs of both general and commercial aviation airports.

## Railroad:

Commerce Lexington supports efforts to incentivize railroads to rehabilitate tracks, improve safety, industrial access, expand capacity, and efficiently serve customers. We support the Kentucky Freight Rail Assistance Fund (KFRAF) for the enhancement of freight rail service, short-line railroad assistance, industrial access, and safety improvements to preserve rail service to local communities and expand rail connectivity to sites along existing rail corridors. The focus of the fund is improving the safety of freight rail transportation and facilitating the efficient and economical movement of freight within Kentucky by strengthening the freight rail network. Funds can be utilized to serve as a local match for federal grant opportunities to leverage federal dollars in conjunction with state and railroad investment.

## Transit:

Commerce Lexington supports local, state and federal transportation funding for transit agencies in both the rural and urban areas to support workforce and economic development initiatives and the ever-changing travel needs in our communities. Funding should support capital projects and operations, including new service delivery methods especially for low-income workers, seniors, and people with disabilities.



## Wireless & Wired Broadband:

Commerce Lexington supports state and federal program investments to increase broadband connectivity and foster economic growth in Lexington and the region. We support the adoption of federal and state policies that increase competition and increase the attraction of qualified, experienced broadband providers with the expertise and capital to complete infrastructure projects to support the state's broadband buildout, while opposing policies that would impede or hamper investment in digital infrastructure and economic development. Sufficient broadband connectivity is essential to allow Kentuckians to access work, education, and healthcare from home. This trend will only accelerate in the future, and more support is needed for the deployment of robust broadband access in underserved areas where the costs of broadband deployment are particularly high. This requires consideration of creative solutions that will provide access for all.

- **Improving Connectivity:** FCC and USDA programs like the Connect America Fund, the Rural Digital Opportunity Fund, Affordable Connectivity Program, and the ReConnect Loan and Grant Program, have provided opportunities for broadband providers to seek additional support in the areas they serve (or seek to serve). Commerce Lexington supports a short-term extension of funding for the Affordable Connectivity Program for 2024 while a long-term funding solution for the program is explored to ensure Kentuckians have access to broadband. Commerce Lexington also supports reviewing existing government programs need to determine if they discourage (e.g., through regulatory requirements like the ETC designation) certain well-positioned broadband providers from participating in government funding programs. We also support the implementation of the Broadband DATA Act, passed by Congress in March 2020, to create more accurate broadband maps and direct resources to communities most in need – especially in underserved areas. Commerce Lexington also encourages the Governor to outreach to broadband providers about the BEAD program guidelines recommended by the NTIA in the Notice of Funding Opportunity for the adoption of state policies. We urge policies that support the primary objectives of the BEAD program, such as efficient deployment of broadband infrastructure to unserved and underserved areas. Commerce Lexington opposes policies that may impose overly burdensome regulatory requirements, making it more difficult for providers to operate in Kentucky. For example, with policies such as price caps a more reasonable approach may be to remove any explicit price cap or institute a more reasonable 5 to 7-year timeline for price reevaluation.

- **Pass a Federal Net Neutrality Law:** Commerce Lexington supports thoughtful policies that reflect the needs of the modern marketplace and encourages connectivity, transparency, privacy, and accessibility. The net neutrality debate at the FCC and in the courts has created a policy void that only Congress can fill. Commerce Lexington supports an appropriate balance with a law that balances the needs of consumers to obtain the content of their choice online, while avoiding heavy handed regulation of the broadband providers that would discourage innovation and investment. The new proliferation of state-level net neutrality laws continues, and Congress must step up to avoid a patchwork policy approach that ultimately harms businesses and consumers.
- **Protect Privacy Across the Internet Ecosystem:** Consumers deserve to know that no matter where they go online, they will have the same protections. Varying policies from state-to-state lead to inconsistent safeguards that foster confusion and erode consumer confidence in their interactions online. Commerce Lexington urges Congress to pass a uniform law that provides privacy and data security protections and applies the same standard to all companies, whether internet service or edge providers, across the internet ecosystem. Commerce Lexington supports a federal approach to data privacy regulation to avoid a patchwork of state laws, 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.

## Central Kentucky Water Supply:

Commerce Lexington supports an efficient, equitable and sufficient water supply for the entire region. Commerce Lexington supports investments in maintenance and upgrades on the lock and dam systems of the Kentucky River to enhance and conserve our region's primary water supply, as well as appropriate, ongoing investments in other water system infrastructure to maintain quality, reliable water service for communities. Commerce Lexington supports exploring regional approaches to water supply, as feasible.

## Product Development:

Commerce Lexington supports local, state, and federal support for product development grants or other resources that may accelerate the development of more shovel-ready land and buildings for job creation opportunities, such as a regional business park.