

COMMONWEALTH OF KENTUCKY
CHILD SUPPORT GUIDELINES REVIEW COMMISSION

CALLED MEETING

November 27, 2018
6:00 P.M.
Room 169
Capitol Annex
Frankfort, Kentucky

MEETING

APPEARANCES

Lucinda Masterton
CHAIR

Diane Fleming
Timothy Feeley
Jane Venters
Shan Dutta
Steve Gold
Anita Britton
Michael Loy

COMMISSION MEMBERS PRESENT

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AGENDA

Welcome	4
Roll Call	4
Approval of Meeting Minutes (May 15, 2018) ...	4
New Business	5 - 35
Old Business	35
Adjournment	35
Court Reporter's Certificate	36

INDEX OF MOTIONS

MOTION TO APPROVE
MINUTES OF MAY 15,
2018..... PAGE 4, LINE 11

JUDGE FEELEY: Motion to approve as submitted.
MS. BRITTON: Second.
JUDGE MASTERTON: Any opposition? The motion is granted. The minutes are approved from the May 15th meeting.

MOTION TO USE MATRIX
AS BASIS FOR PROPOSED
LEGISLATIONPAGE 20, LINE 2

JUDGE FEELEY: We could take a vote that this is the basis for what we put together and, then, talk about the shared parenting and come up with a full draft bill.
MS. FLEMING: Is that your motion?
JUDGE MASTERTON: Is that your motion?
JUDGE FEELEY: That's my motion.
MS. FLEMING: I'll second it.
JUDGE MASTERTON: Any discussion about the motion? Any opposition to the motion? All right. I think we will use this, then, as the grid for now and this will be incorporated into the proposed legislation.

MOTION TO INCLUDE
SHARED PARENTING
IN PROPOSED
LEGISLATIONPAGE 29, LINE 21

JUDGE FEELEY: So moved, that it become a part of the proposal we put together as one package.
MS. BRITTON: Second.
JUDGE MASTERTON: Is there any opposition to the motion? Okay. I think that passes also.

MOTION TO ADJOURNPAGE 35, LINE 8

MS. VENTERS: So moved.
MS. FLEMING: Second.

1 JUDGE MASTERTON: Welcome to
2 the called meeting of the Child Support Guidelines
3 Review Commission. Mary, if you would take
4 attendance, please.

5 (ROLL CALL)

6 JUDGE MASTERTON: There's Ms.
7 Britton. She's here. The first order of business is
8 approval of the minutes from the May 15th meeting.
9 Has everybody had an opportunity to look at the
10 minutes?

11 JUDGE FEELEY: Motion to
12 approve as submitted.

13 MS. BRITTON: Second.

14 JUDGE MASTERTON: Any
15 opposition? The motion is granted. The minutes are
16 approved from the May 15th meeting.

17 We have Commissioner Hubbard
18 here. And, sir?

19 MR. HALE: I'm Matt Hale. I'm
20 with the National Parents Organization and I was the
21 person who testified and helped create House Bill 528
22 and House Bill 492 which created the legal
23 presumption for shared parenting in the state.

24 And I think you all have
25 probably seen that it passed 81 to 2 in the House and

1 unanimously in the Senate. And if anyone has been
2 reading in the media, the polling on it, as Judge
3 Feeley and I were just talking about, is astronomical
4 and Kentucky is getting accolades nationwide for what
5 the lawmakers did.

6 And, obviously, it's great work
7 that you all are doing by coming here and updating
8 and thinking about the child support guidelines and
9 how they're affected by the new law.

10 JUDGE MASTERTON: Okay. Well,
11 that's one of the topics that we're going to be
12 talking about tonight is how does the new law affect
13 the child support guidelines. What are we going to
14 do about that or what are we going to recommend to
15 the Legislature?

16 So, if I may presume, I think
17 the first thing I'd like to talk about, if it's okay
18 with everyone, is the report that we received and the
19 recommendations. Commissioner Hubbard arranged for
20 this and I think Judge Feeley is way up on it, and
21 I'm hoping everybody received this.

22 MS. SPARROW: Does anyone need
23 a copy?

24 MS. FLEMING: I do because I
25 left mine back in Louisville. I'm sorry.

1 JUDGE MASTERTON: So, comments?

2 JUDGE FEELEY: I'll start.

3 JUDGE MASTERTON: If you want
4 to start.

5 JUDGE FEELEY: And we had
6 delayed our meeting a couple of times to get this
7 report in, and I guess I was kind of hoping that a
8 report would include a matrix but it didn't. It
9 talked about many of the states, what they're doing
10 and how to go about doing a matrix but it didn't
11 actually provide one.

12 And in reading through it, I
13 emailed it to everybody, but in reading through it, I
14 saw that it's a lot of work to come up with a matrix
15 based on their recommendations. I hadn't been around
16 when the last matrix was put together and didn't
17 realize just how much it is.

18 So, this doesn't solve what we
19 wanted to do but it certainly gives us a lot of
20 fodder for things going forward.

21 What I did, then, and I want to
22 share with everybody is, since we didn't have a new
23 matrix, and, very honestly, I don't think we can get
24 one in time for this upcoming Legislative Session, I
25 went through the proposed bill from the last matrix;

1 and if you recall, it passed in the Senate, it passed
2 in the House but vetoed by the Governor for two major
3 reasons, one being that, one, there were some places
4 where there were zeros and he didn't feel anybody
5 should do no child support, and, then, there were
6 also a number of places where the child support was
7 actually lowered compared to the old one.

8 And the Governor's comment was
9 something along the lines of, it's not getting less
10 expensive to raise children, it's getting more
11 expensive. So, he didn't understand that.

12 Let me pass out, if I could, to
13 each member. I went through and went line by line
14 and made a draft matrix where we used the figures
15 from the report that we had the last time but, then,
16 went through, and each place where the existing
17 number is higher than the recommended report, I put
18 that in pen on top of it.

19 If you will look through it
20 with me real quick, Page 4 of 17, down at the bottom,
21 basically I went through and took the zeros out and
22 put 60 and, then, I put some other numbers that made
23 them more realistic relative to the other numbers
24 that were in the matrix.

25 If you go to Page 5 of 17,

1 there were a number of places there where the new
2 matrix provided to us by UK had numbers lower than
3 the ones - and on this particular page, it's not very
4 much - up to maybe \$30 or \$40 in the higher levels.

5 If you go to Page 6----

6 JUDGE MASTERTON: Could I just
7 stop you for a second?

8 JUDGE FEELEY: Yes.

9 JUDGE MASTERTON: The numbers
10 that you have interlineated there, are those the
11 existing numbers?

12 JUDGE FEELEY: Those are the
13 existing numbers. For example, let's look at the
14 line for \$1,300. Two fifty-nine is the recommended
15 from the UK study. That's higher than the existing
16 number.

17 JUDGE MASTERTON: Okay.

18 JUDGE FEELEY: Three seventy-
19 three for two children is higher than the existing
20 number; but for three children, \$435 was actually
21 lower than the existing number. So, I've interlined
22 what the existing number is.

23 JUDGE MASTERTON: The existing
24 number. Okay.

25 JUDGE FEELEY: And did that all

1 the way through this matrix. As you see, there were
2 a couple of changes on Page 5 of 17; but when you
3 start on Page 6 of 17 and you start at the level of
4 \$5,300 a month, you will see that one child or two
5 children, the recommended is higher than the
6 existing; but starting with the third child all the
7 way down, it's less than the existing.

8 Flip to the next page and that
9 continues all through that portion of the matrix for
10 the third, fourth and fifth child but it also starts
11 hitting in at \$6,700 for the second child where the
12 new was less than the existing.

13 If you turn to Page 8 of 17,
14 the one little quark in the current law is there's no
15 level for \$10,100, \$10,200 or \$10,300. So, the
16 figures that I put in there were interpreting from
17 what was a \$10,000 to what was a \$10,400 and dividing
18 that by four steps and adding each step.

19 And if you'll look through all
20 of this, it's consistent in that it goes up going
21 down the columns and it goes up going across in every
22 instance.

23 Again, on Page 9, almost all
24 the cases, one or two children is more than the
25 existing. Three or more is less than the existing.

1 for reviewing the entire process? I think you would
2 call this a review with parameters of continued
3 levels of support.

4 So, when we didn't get a matrix
5 from the group, I wanted to just go ahead and put
6 this together so we had something to talk about and
7 something to look at.

8 JUDGE MASTERTON: I'm just
9 thinking. Is the group that did the report, are they
10 willing to come up with a matrix for us in the
11 future?

12 JUDGE FEELEY: Bryan, have you
13 had that discussion with them?

14 MR. HUBBARD: After I received
15 this draft, I raised the issue of a matrix with them
16 and I asked if they could put one together.

17 What you see by way of their
18 recommendations are all of the parameters which would
19 need to be incorporated into the matrix itself.

20 And with the nature of data
21 available to them, they did not wish to exercise any
22 prerogative over the assessment of our state's
23 economic data to put that together.

24 They wanted to make an initial
25 deferment to this Commission for the purpose of

1 that would probably be a rush.

2 JUDGE MASTERTON: Yes. So,
3 that would almost by definition miss the Session.

4 MS. FLEMING: It's a short
5 Session, right?

6 JUDGE MASTERTON: Yes.

7 MR. HUBBARD: And if I may, and
8 I don't want to go beyond the scope of your question
9 too far.

10 In speaking with Judge Feeley
11 about this, the thing that stood out to me was that
12 essentially our standards have remained unchanged
13 since 1987. We're working on a thirty-one-year-old
14 model.

15 JUDGE MASTERTON: That's right.

16 MR. HUBBARD: And insofar as we
17 have something, it's a lot better than what we have
18 now and it would provide us with a good platform to
19 move forward with additional changes.

20 JUDGE MASTERTON: I was
21 thinking that, that if we did just put this, you
22 know, having good enough not be subject to perfection
23 as an enemy and we say, for now, it's something, with
24 the caveat that we would expect to go back to the
25 Legislature in the next Session and say, this is a

1 good guess right now. We will have a better report
2 to you in a year.

3 MR. HUBBARD: Absolutely. And,
4 again, if the question is, well, why haven't you
5 gotten that done now, the answer is, it is a very
6 intensive process, right? You want to make sure that
7 the data upon which you rely is broad and it is as
8 specific as it is broad.

9 JUDGE MASTERTON: Any
10 additional thoughts from the members?

11 MR. FEELEY: When I read the
12 report, it highlighted how intensive some of the
13 computations were by the different states using USDA
14 and other things and I realized that nobody would put
15 it together that quickly.

16 So, this is just a proposal of
17 mine that we could work on to say this addresses the
18 Governor's concern from the last one. It fixes the
19 numbers in a lot of areas, leaves in seam in other
20 areas and we'd have the opportunity to do a thing
21 that included some shared parenting language and all
22 of that and put it in there and say, as you said,
23 better--it's not perfection but it's better than
24 waiting another year or two to make any changes.

25 MR. GOLD: On the other hand,

1 will the Legislature take another look at it in the
2 next thirty years?

3 JUDGE MASTERTON: Well, but at
4 least we would have something.

5 MR. GOLD: Right. Well, true.
6 I'm not saying it's a problem. I think the idea of
7 very quickly being able to come back to the
8 Legislature with something more comprehensive and
9 getting them to actually pass it, I think you're
10 going to have some members say, well, we just did
11 that a couple of years ago. Leave me alone.

12 So, I think this is--I mean, it
13 extends out the guidelines. That's something that
14 we've had as a goal that we need to do.

15 Flattening out some of the
16 increases was some of the problems there. There were
17 certain portions where somebody would go up \$100 a
18 month in combined income and there would be a
19 disproportionate or too small of a proportionate
20 increase when it goes up.

21 So, I think that was the idea
22 with those was to flatten out some of those numbers.
23 And Judge Feeley is right that this takes care of
24 some of those issues and some is better than none.

25 So, I think it does make sense

1 saying that the perfect shouldn't be the enemy of the
2 good. So, I think that it makes sense to go ahead
3 and take a run at it. I think this is a good Session
4 to do it, particularly if we can get shared parenting
5 as part of it.

6 I testified to the Judiciary
7 Committee a few weeks ago and we brought up both of
8 these issues as issues that County Attorneys had that
9 they needed to have on their radar screen.

10 And after that, I was
11 approached by two different State Reps about how
12 strongly they felt that shared parenting needed to be
13 addressed. They said, oh, yeah, the guidelines,
14 sure, but they were really interested in the shared
15 parenting issue being dealt with as soon as possible.

16 JUDGE MASTERTON: Well, and it
17 may be that this gives us an opportunity to do a
18 whole package which then we could look at, tweaking
19 the guideline piece of it.

20 MR. FEELEY: And,
21 realistically, I would think that if we got something
22 like this put together for this Session, it would be
23 two years before we looked at it again because we
24 would go into the 2020 Session asking for some funds
25 to get an in-depth review like was done with the UK

1 thing.

2 So, it wouldn't be like one
3 Session and we turn around at the next Session and we
4 ask for it again. I really think that if we do
5 something in the other Session, it would be a two-
6 year fix.

7 JUDGE MASTERTON: Any other
8 comments or concerns about it?

9 MS. BRITTON: Did I dream this
10 up or does the statute actually have a four-year
11 mandate on our work?

12 JUDGE MASTERTON: Yes.

13 MS. BRITTON: It is four years.
14 Okay.

15 JUDGE MASTERTON: We haven't
16 been able to get them to do anything----

17 MS. BRITTON: We haven't done
18 it. We've not met that mandate but----

19 JUDGE MASTERTON: Right. I
20 mean, we send a report every year but that doesn't
21 mean it goes anywhere.

22 MS. BRITTON: Right.

23 JUDGE FEELEY: You're required
24 to look at it every four years, and obviously this
25 Commission has looked at it every four.

1 JUDGE MASTERTON: We definitely
2 have met our mandate.

3 MS. BRITTON: We've been
4 looking at it all the time.

5 MS. FLEMING: Well, I would
6 just like to say thank you very much, Judge Feeley,
7 for doing this because I know it took a lot of time.
8 And as someone who uses this daily, it really does
9 make sense the way that you put it together.

10 And it is long overdue. Part
11 of me would love to see this done the right way, but
12 I think that this is far better than nothing. And
13 considering how out of line the guidelines are
14 because they are so antiquated compared to the cost
15 of diapers and things for small children when
16 guardians and parents are trying to make ends meet.

17 I think it's a wonderful first
18 step. If we were saying this is enough, then, I
19 would have a problem with it; but what we're saying
20 is let's get something on the books, and I would have
21 to say I'm for it.

22 JUDGE MASTERTON: Any other
23 comments?

24 MS. VENTERS: I agree. I think
25 it's better than nothing. It's long overdue if it

1 gets passed. It's not going to get vetoed. The
2 changes make sense, absent an in-depth study.

3 JUDGE FEELEY: Anybody is
4 welcome to check my work but let's put it this way.
5 My half a day I spent doing this was cheaper than a
6 UK study.

7 JUDGE MASTERTON: Well, I also
8 echo. Thank you very much for doing it because I
9 think having a hard copy in front of us really is
10 helpful to see exactly what we're talking about. So,
11 thank you, Judge, for doing it.

12 MS. VENTERS: And I have to
13 wonder, if an in-depth study is done, how much it
14 will differ.

15 JUDGE MASTERTON: And it may
16 not a whole lot.

17 JUDGE FEELEY: And as I was
18 going through, I was, like, going, how can it be that
19 it's less expensive to raise three children or four
20 children today than it was twenty years ago? I tend
21 to agree with the Governor on that.

22 JUDGE MASTERTON: Yes, there's
23 a point there.

24 Okay. Should we vote on this
25 part and, then, move to the shared parenting piece or

1 how do you want to handle that?

2 JUDGE FEELEY: We could take a
3 vote that this is the basis for what we put together
4 and, then, talk about the shared parenting and come
5 up with a full draft bill.

6 MS. FLEMING: Is that your
7 motion?

8 JUDGE MASTERTON: Is that your
9 motion?

10 JUDGE FEELEY: That's my
11 motion.

12 MS. FLEMING: I'll second it.

13 JUDGE MASTERTON: Any
14 discussion about the motion? Any opposition to the
15 motion? All right. I think we will use this, then,
16 as the grid for now and this will be incorporated
17 into the proposed legislation.

18 All right. So, now the
19 question is what do we do about shared parenting.
20 And, of course, I think that's where Mr. Hale is
21 particularly concerned.

22 Did everyone have a chance to
23 look at the legislation that was proposed back in I
24 think it was 2014 that incorporated the
25 recommendations for a deviation? I think Mary sent

1 that out back in May or so.

2 MS. FLEMING: Right after the
3 meeting.

4 JUDGE MASTERTON: Right after
5 the meeting. Do we want to talk about that?

6 Well, let me just weigh in for
7 a second. This proposal for the deviation came after
8 an enormous amount of work and hearings from the
9 Commission.

10 It is basically what we refer
11 to as the Colorado formula with a little bit of
12 tweaking. There was a lot of discussion about how
13 many days count for a deviation - that was discussed
14 for months - and there was a lot of discussion about
15 what's appropriate to do, what makes sense.

16 One of the things that was
17 talked about a lot at the time was how we had to have
18 something that people could rely on because, all over
19 the state, notwithstanding that we're supposed to
20 have guidelines and consistency, every Judge is doing
21 it differently.

22 And there are a couple of
23 categories that it falls into, but the big theme of
24 the discussion was we need to do something that
25 everybody will use and that's how they came up with

1 this.

2 Does anyone have any concerns
3 about it, about the proposed legislation, the
4 legislation proposed in 2014?

5 I will say also the Craig Ross
6 calculator uses this. So, I know there are Judges
7 around the state that do use it. If you have to
8 crank it out by hand, it's a little bit cumbersome,
9 but plugging it into the Craig Ross computer program,
10 it just works. It just immediately gets you the
11 number.

12 So, are there any concerns at
13 all about just running this up the flagpole again?

14 MR. GOLD: I think there are
15 always discussion points regarding the multiplier,
16 the number of days, all those things; but as you
17 said, there were exhaustive hearings about this and
18 it was based on a lot of surveys of what was going on
19 in other states.

20 So, I think we as a Commission
21 came up with what was our best stab at something and
22 I don't think circumstances have changed a whole lot.

23 There are, like you said, so
24 many points of discussion anytime you come up with
25 this issue, but it is something that there is such a

1 need for uniformity around the state. There's form-
2 shopping going on and it's something that is wildly
3 divergent from one circuit to another that, again,
4 something is better than nothing.

5 MS. BRITTON: My concerns have
6 been the same over the many years, really two. One,
7 with enormously outdated guidelines and horrifically
8 low numbers for what we all know it costs to, then,
9 have a scheme that would reduce that number further,
10 in other words, taking half and halving it again, was
11 somewhat difficult to tell a client. If you've got
12 full child support, you're not going to have enough
13 and now you're going to get less.

14 And the repugnancy that, as a
15 practitioner, I feel in encouraging persons to count
16 days is a philosophical difficulty that I grapple
17 with rather than focusing on what is in the best
18 interest of those particular children.

19 All of that said, I very much
20 respect the debate, the work, the analysis that went
21 in to trying to put this together. And I think in my
22 personal view as a practitioner and professional view
23 as a practitioner, I have to elevate consistency over
24 those more philosophical concerns.

25 MS. VENTERS: And I agree with

1 everything Anita said and the whole days for dollars
2 and so on, but we are in a world now where things are
3 different and we have a horrible problem with
4 advising clients on what the child support is going
5 to be when there's no guidelines for it.

6 And people are litigating a
7 whole lot more and there's a lot more antagonism, a
8 lot more expense and so on because of the inability
9 to run a chart and know what the Judge is going to
10 order.

11 JUDGE MASTERTON: Right. It
12 becomes very expensive for people and they wind up
13 spending more in litigation than they are arguing
14 over usually.

15 MS. VENTERS: And the animosity
16 over this if they aren't having other problems
17 creates a lot of stress and tension and discord where
18 sometimes there's not discord.

19 JUDGE MASTERTON: Right. It
20 sort of manufactures that.

21 The other thing, I think there
22 are a lot of Judges that use the Commission
23 guidelines anyhow. We have a case that says we're
24 allowed to, so, we do.

25 One of the things that I'm

1 careful about is the predicate findings in Paragraph
2 3 that you have to find that--the main thing is that
3 because of shared parenting, there is duplication of
4 costs and there is also a reduction of costs to the
5 payee because they don't have the child as much.
6 And, so, you have to be able to do that.

7 The example that I use when I'm
8 explaining this to people is actually a case that I
9 mediated a long time ago where the parents were bird-
10 nesting, which means they were coming in and out of
11 the same house every other week.

12 And you would think that would
13 be a perfect example where nobody has to pay anybody
14 child support. They just support the kids as they
15 are coming in and out.

16 It turns out in that case, the
17 mom was paying for 100% of everything because when
18 she would leave on Sunday for her week out, she would
19 load up the kitchen, all the cabinets and the
20 refrigerator and, then, she would do it again the
21 next Sunday and, then, she was the one that bought
22 all the kids clothes and she was the one that bought
23 all their stuff.

24 So, I use that for my own
25 information to say, look, this is the extreme

1 example, but you have to be able to demonstrate that
2 there is duplication of expenses because, otherwise,
3 the predicate for the formula doesn't work.

4 So, I think that that comforts
5 people a little bit. And if there is a case like
6 this bird-nesting case, well, somebody says, well,
7 I'm paying for everything anyway, that's a different
8 kind of inquiry.

9 And I think this may be the
10 kind of thing people are just going to have to live
11 with for a while and figure out how it works in
12 practice.

13 I agree with Mr. Hale. We've
14 had a lot fewer--since the statute, we've had a lot
15 fewer disagreements about parenting time. It's
16 gotten to be a little bit easier. And, so, maybe
17 once we just get this in place, it will be easier.

18 Any other thoughts?

19 MR. GOLD: I think it's
20 important that we look at taking a run at it this
21 Session just because there is that exigency of the
22 presumption there.

23 I'm sensitive to the concerns
24 that you have about all those things as well; but
25 I've had to explain it to some folks sometimes that

1 the kids are only going to eat one dinner and one
2 person is going to pay for that, but there are those
3 other overarching costs as well.

4 When you get into the cost of
5 raising a child and how that is borne, it's so fact-
6 specific, and I think that's where we've got to rely
7 on our Judges and have those points of discretion in
8 there.

9 And I think the draft
10 legislation did allow those places where different
11 situations can be taken into account and that's where
12 the lawyering comes in and that's where Judges get to
13 be Judges.

14 But to the extent we can
15 provide some predictability for practitioners, that's
16 going to be helpful as well. A wise attorney once
17 told me that the vast majority of practicing law is
18 managing client expectations, and being able to
19 advise them what is likely to happen in court is a
20 big part of that.

21 So, I think that's something
22 that's not only going to be helpful to practitioners
23 but also to the litigants as they're going through
24 this, the parents as they go through this to be able
25 to predict things and hopefully take some of their

1 points of contention off the table and allow them to
2 look at parenting going forward.

3 JUDGE MASTERTON: Right.

4 MS. FLEMING: I think that's
5 where I would really agree with you. I think the
6 beauty of having a standard is at least you have a
7 starting point for the discussion and, then, the
8 parties, with some better information, can pick their
9 battles maybe a little more carefully, especially
10 when they're trying to decide, as you said, how far
11 do we litigate and it gives them a little bit better
12 framework going into it.

13 It doesn't mean it will resolve
14 all their issues or make it an easy path, but
15 hopefully it will give them a framework starting.

16 MS. BRITTON: I don't perceive
17 this language as so severely curtailing the
18 discretionary function of the Court because I'll just
19 tell you anecdotally what I'm beginning to see with
20 the presumption is people wanting to advantage
21 themselves of it, but, then, they don't really
22 advantage themselves of it, and the individual who
23 was the primary caregiver in the home when the home
24 was intact continues to be the primary caregiver.

25 So, as long as there's nothing

1 that strips away from the Trial Court that
2 discretionary function of being able to take those
3 things evidentiarily into consideration, I think that
4 addresses my philosophical concern.

5 JUDGE MASTERTON: Well, there's
6 also a specific paragraph about that, Paragraph 9,
7 that says that if we've given 50/50 or whatever a
8 large percentage, and one of the people doesn't do
9 it, then, we can go back and adjust the child support
10 because----

11 MS. FLEMING: That's not the
12 reality.

13 JUDGE MASTERTON: If that's not
14 the reality on the ground, yes. They say, oh, yeah,
15 I want 50% of the time and, then, they see the kid
16 two days a month, we've got a whole different problem
17 which we can address under the proposed legislation.

18 Okay. So, are we ready to take
19 a vote on this piece? Any other discussion on this?
20 All right. Can I hear a motion about this part?

21 JUDGE FEELEY: So moved, that
22 it become a part of the proposal we put together as
23 one package.

24 MS. BRITTON: Second.

25 JUDGE MASTERTON: Is there any

1 opposition to the motion? Okay. I think that passes
2 also.

3 So, we just need to get the
4 legislation drafted and hopefully get it passed and
5 get it signed.

6 JUDGE FEELEY: I was looking
7 through the existing statute and there are a couple
8 of cleanup things. One thing refers to something as
9 food stamps and that's not the program anymore. So,
10 we'll have to get LRC to draft up the thing
11 correctly.

12 And, then, as far as getting it
13 passed, we have the recommendation of the Commission
14 behind it and I think any one of us would be willing
15 to testify if necessary.

16 I think it's a good chance
17 because we can make the point of it's increasing in
18 many places in the matrix. We're required to do it
19 every four years. We haven't done it for about
20 twenty-five, and that we get to the \$15,000 and
21 \$20,000 area which right now is a big area, at least
22 three years ago when I was on the bench, with a lot
23 of contention above the fifteen because they couldn't
24 figure it out themselves. They had to fight over it.
25 So, I think we have a lot of selling points on this.

1 JUDGE MASTERTON: Whitney
2 Westerfield in the past, he said if he knew that the
3 Governor was going to sign it, he would do it, but
4 he's tired of running it up the flagpole to have it
5 shot down; but the last word I had from him was that
6 he was willing to sponsor it.

7 Do you know of anybody else?

8 JUDGE FEELEY: I don't think we
9 would have trouble. I've gotten a couple of bills
10 through in the last couple of years and have had no
11 trouble finding sponsors.

12 MR. GOLD: On the House side,
13 Representative Petrie from Logan, Todd and part of
14 Warren is one of them that came up to me after that
15 Judiciary Committee meeting and he----

16 JUDGE MASTERTON: He said let's
17 go?

18 MR. GOLD: Because he's an
19 attorney and he sees it in his practice and he sees
20 the form-shopping and whatnot and he sees it as a
21 major thing. So, I think he would be certainly
22 interested in looking at it on the House side.

23 JUDGE MASTERTON: Would you
24 mind reaching out to him about that?

25 MR. GOLD: Be glad to.

1 JUDGE MASTERTON: And do you
2 want to talk to Senator Westerfield?

3 JUDGE FEELEY: Yes.

4 JUDGE MASTERTON: Okay. Great.
5 Is there any other New Business?

6 JUDGE FEELEY: Let's get LRC to
7 draft something up and, then, we need to send it
8 around to the members to kind of do a final okay. Is
9 this what we agreed to?

10 JUDGE MASTERTON: I think so.

11 JUDGE FEELEY: And, then, maybe
12 we could have even a telephonic vote to get a final
13 vote on a final product.

14 JUDGE MASTERTON: I don't think
15 we can have a telephonic vote. I think we have to be
16 here. I think open records, open meetings requires
17 us to be here but we can do that. Listen, I will be
18 here if we have something that we think we can
19 finally get passed.

20 The biggest concern we have is
21 that as of January 1st, you're not going to be on the
22 Commission anymore.

23 MS. VENTERS: Yes.

24 MS. FLEMING: Well, the earlier
25 we get things filed, the better our chances,

1 especially in the short Session.

2 JUDGE MASTERTON: Can you talk
3 to LRC? Mary, can you get with them or, Judge, can
4 you coordinate that?

5 JUDGE FEELEY: Yes, we will
6 coordinate that.

7 JUDGE MASTERTON: Why don't we
8 see if we can get together again before you take
9 office just so that we don't have to worry about----

10 MS. VENTERS: We can wear our
11 Christmas clothes.

12 JUDGE MASTERTON: Right. We
13 can all show up in our Christmas sweaters. Would
14 that be possible, doable, do you think? Do you want
15 to try and pencil in a date while we're all here?

16 MS. FLEMING: Do you have to
17 wait until you talk to the LRC drafter to see how
18 long it will take? It seems like with already having
19 a basis, it shouldn't be too long.

20 JUDGE FEELEY: It shouldn't be
21 more than a week. My experience with LRC is they get
22 things out pretty quickly.

23 JUDGE MASTERTON: Why don't we
24 look at our calendars and see what we can do. I'm
25 wondering about the week of the 17th.

1 JUDGE FEELEY: I would say the
2 earlier in the week, the better. As we get closer
3 and closer to Christmas, people have got places to go
4 and things to do.

5 JUDGE MASTERTON: What about
6 Tuesday night, the 18th?

7 MS. VENTERS: I can't do the
8 18th but I can do the 17th.

9 JUDGE MASTERTON: Okay.

10 MS. FLEMING: If it's 6:00, I
11 can do the 17th. I'll be in court most of the day.
12 If it's earlier than 6:00, I can't.

13 JUDGE MASTERTON: Does the 17th
14 work for everybody? Yes? Okay. Let's set a meeting
15 for the 17th, a called meeting, 6:00 p.m. Does that
16 work?

17 And if it turns out that we
18 don't have legislation to look at, obviously we'll
19 cancel it but if you could talk to them.

20 JUDGE FEELEY: My hope would be
21 to talk to the LRC tomorrow and get it within about a
22 week so we can send it out to everybody to look at.

23 JUDGE MASTERTON: Right. And
24 I'm thinking it would be a fairly short meeting
25 because if we've had a chance to look at it and there

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aren't any problems or we've addressed any problems,
just come in and get it done.

Any Old Business other than
this is old? Anything else we need to talk about
this evening?

Great. And, Judge, thank you
so much for doing this. All right. I'll entertain a
motion to adjourn.

MS. VENTERS: So moved.

MS. FLEMING: Second.

JUDGE MASTERTON: All right.

We are adjourned. Thank you.

MEETING ADJOURNED

STATE OF KENTUCKY
COUNTY OF FRANKLIN

I, Terri Pelosi, a notary public in and for the state and county aforesaid, do hereby certify that the foregoing pages are a true, correct and complete transcript of the proceedings taken down by me in the above-styled matter at the time and place as set out in the caption hereof; that the proceedings were taken down by me in shorthand and afterwards transcribed by me; and that the appearances were as set out in the caption hereof.

Given under my hand as notary public aforesaid, this the 29th day of November, 2018.

Notary Public
Notary ID 570906
State of Kentucky at Large

My commission expires February 10, 2021.