

Legislative Update

General Assembly 2020, Week #7



2020 General Assembly Regular Session Bills We're Watching: The 7th Edition

This list profiles the environmental, conservation, consumer and general government bills that the Kentucky Resources Council is supporting, opposing, and tracking during the 2020 General Assembly Regular Session. This year is a “long” session, and began on January 7, 2020, with a scheduled adjournment of April 15. Beginning April 2 there is a “veto break” and they will reconvene on April 14 for two final days.

This wrap-up is complete through end of legislative day February 21st, 2020.

Feel free to forward this to anyone you feel might be interested, and to utilize, reprint or quote from the bill analyses. We ask only that you attribute KRC as the source when you use our analytical material (so we can take all the blame for anything we've gotten wrong!)

DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE NOTICES OF THE POSTING OF THESE UPDATES?

Send this to a friend and tell them to write us at Fitz@kyrc.org if they want to receive notice when these postings are updated. The legislative update will be refreshed each Friday afternoon.

WANT TO READ THE BILLS OR CONTACT LEGISLATORS?

For a copy of any bill, visit the Legislature's 2020 Session page at <https://legislature.ky.gov/Pages/index.aspx>

To find your legislators email, go to <https://apps.legislature.ky.gov/findyourlegislator/findyourlegislator.html>

The toll-free message line is 1-800-372-7181, to leave a message for a legislator or an entire committee. The TTY message line is 1-800-896-0305. En Espanol, el nombre es 1-866-840-6574. The toll-free bill status number is 1-866-840-2835.

Please note that the Council *does not* have a position on each bill listed. Some bills are tracked for general interest; others simply to assure that they do not become vehicles for mischievous amendments. There are a number of bills proposing new or repealing existing tax incentives and exemptions, which we are not tracking but which can be found in the “Bill And Amendment Index” under taxation at https://apps.legislature.ky.gov/record/20rs/index_headings.html.

We have formatted this update to highlight in the first section, those environmental and energy-related bills on which KRC has taken a position. Where KRC has taken a position concerning a bill it is indicated with a plus (+) or minus (-). The primary sponsor and current status of the bill are also noted by Committee or chamber. The second section are other bills on which KRC has taken a position, relating to general governance and justice issues. The third section are bills of interest to KRC’s readers on which we have not taken a position, but are tracking.

Note that, in addition to environmental and energy bills, the Council has expressed support for general government measures that support voter engagement, government transparency, equity, justice, and advancement of civil rights and civil liberties. Our primary focus remains on energy and environmental measures.

Here’s the key to understanding where a bill is in the process:

H. State Govt = House State Government Committee
H. Ed = House Education Committee
H. Tourism = House Tourism and Outdoor Recreation Committee
H. Elections= House Elections, Constitutional Amendments and Intergovernmental Affairs Committee
H. Veterans= House Veterans, Military Affairs and Public Safety Committee
H. Judiciary = House Judiciary Committee
H. A&R = House Appropriations and Revenue Committee
H. Eco Dev = House Economic Development & Workforce Investment Committee
H. Ag = House Agriculture
H. Sm Bus = House Small Business and Information Technology Committee
H. Local Govt = House Local Government Committee
H. Transp = House Transportation Committee
H. H&FS = House Health and Family Services Committee
H. L&O = House Licensing, Occupations And Adm. Regulations Committee
H. Nat Res Energy = House Natural Resources and Energy Committee
H. B&I = House Banking and Insurance Committee
H. L&I = House Labor and Industry Committee
H. Rules = House Rules Committee

S. State Local Govt = Senate State and Local Government Committee
S. NR Energy = Senate Natural Resources and Energy Committee
S. Ag = Senate Agriculture Committee
S. Judiciary = Senate Judiciary Committee
S. Eco Dev = Senate Economic Development, Tourism and Labor Committee
S. Ed = Senate Education Committee
S. H&W = Senate Health and Welfare Committee
S. L&O = Senate Licensing, Occupations and Administrative Regulations Comm.
S. Veterans = Senate Veterans, Military Affairs, and Public Protection Committee
S. B&I = Senate Banking and Insurance Committee
S. Transp = Senate Transportation
S. Rules = Senate Rules Committee

What does “posting” mean?

Under the rules of the House, for a bill or resolution to be heard in a House Committee, it must be “posted” for consideration. While the rule can be waived by a vote of a majority of House members (even retroactively), unless waived a bill or resolution must be “posted” three calendar days prior to being heard in the House Committee. This does not apply if a bill previously heard and approved by a committee is returned to that committee.

The Senate has no rule requiring posting of bills or resolutions, so that a Senate Committee may take up any bills or resolution referred to that committee at any meeting without prior notice.

ENVIRONMENTAL AND ENERGY-RELATED BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN A POSITION

House Bills

HB 15 (Huff)(H. Judiciary)(+)(posted)

Would define as criminal littering the permitting of unsafe amounts of mowed grass to remain on a highway.

HB 44 (Gooch and Bowling)(S. NR Energy)

Would amend KRS 511.100 to include additional facilities as "key infrastructure assets," make tampering with, impeding, or inhibiting operations of a key infrastructure asset a Class D felony; and allow a civil action against a person that compensates or remunerates a person who committed criminal mischief. As drafted, the bill was overbroad in defining criminal conduct and could have had a chilling effect on the exercise of protected speech and assembly. KRC negotiated revisions to narrow the scope of the bill, and those changes were a floor amendment in the House that was adopted. KRC thanks the sponsors and bill proponents for working to resolve our concerns.

HB 48 (Donohue)(H. A&R)(+)

Would establish a refundable income tax credit for the costs of mitigating noise from a commercial airport.

HB 49 (Donohue)(H. Eco Dev)(+)

Would require the Finance and Administration Cabinet to give notice to the Kentucky Heritage Council 90 days prior to the transfer or sale of a property nominated by the Kentucky Historic Preservation Review Board to be listed on the National Register of Historic Places; and require a written recommendation to the Finance and Administration Cabinet on whether the property should have a preservation easement; if a preservation easement is recommended, no sale or transfer of the property shall take place until the easement is listed on the deed.

HB 68 (Wiederstein)(H. L&O)(-)

Would create a new process for regulations constituting a major economic action; create a Regulatory Economic Analysis Advisory Group to consult on such regulations and require consultation prior to filing a regulation. There already exist sufficient analyses and opportunities for review and comment on regulations, and this new process would slow the adoption of regulations that could adversely affect public health and safety, and which are required to be adopted in order to maintain state management of delegated environmental and health and safety programs.

HB 85 (Marzian, Flood)(H. NR Energy)(+)

Bill intended to address plastic waste would prohibit the intentional release of more than 25 plastic balloons; establish a ban on plastic, single-use carryout bags by July 1, 2025; and ban the provision of single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments by July 1, 2023.

HB 126 (Hatton)(H. NR Energy)(+)

Would require the Public Service Commission to consider rate affordability when determining fair, just and reasonable utility rates and require fair, just, and reasonable rates to balance the interests of the utility, its investors, and the ratepayer.

HB 133 (Kulkarni)(H. Judiciary)(+)(Needs Amendment)(posted)

Would establish procedures for dismissing legal actions filed in response to a party's exercise of free speech, right to petition, or right to association. KRC supports protecting citizens who become involved in matters affecting planning, zoning, and environmental protection and development, from groundless “Strategic Lawsuits Against Public Participation” or “SLAPP” suits. The intent of the bill is sound, but language needs substantial revision.

HB 195 (J. Miller)(To Senate)(+)

Would allow local governments to post legal notices and to reduce newspaper notices to one. Would also make provision for individuals who have difficulty in accessing the information online. KRC recommended one addition to the one print notice, in order to include the web address, if any, where the proposed action could be found. The sponsor has agreed to that change, and his agreement is appreciated.

Bill was amended in committee to limit operation to communities of over 80,000, to account for the lack of broadband in smaller communities.

HB 232 (Sorolis)(H. Judiciary)(+)

Would require the award of costs and attorney fees if a court finds a record is withheld willfully under the Open Records Act.

HB 234 (Brown and others)(H. H&FS)(+)

Would require hospitals that provide inpatient or residential care to offer patients a plant-based food option with comparable nutritional value for every meal or snack, at the request of a patient or patient's lawful representative, and at no additional cost.

HB 247 (Hart)(H. NR Energy)(posted)

Original bill would have allowed local public agencies to engage in noncompetitive negotiation for purchase or sale of wholesale natural gas or electric power and exempt those contracts from newspaper advertisement for bids. KRC was concerned with the loss of transparency and accountability in allowing municipal utilities to bypass competitive negotiation.

In response to these concerns, KRC negotiated language that provides benchmarks against which any such contracts will be measured, requiring that the entity provide a detailed explanation of how the purchase or sale provides for stable and competitive rates for utility customers while providing for reliable, affordable, and sustainable energy services. This additional language is anticipated to be included in the bill when it is heard in House Committee.

HB 323 (DuPlessis and others)(H. NR Energy)(+)

Would amend net metering law to allow eligible electric generating facilities beginning service after the effective date of the initial net metering rate order issued by the Public Service Commission but before December 31, 2024, to maintain the same net metering rates as eligible generating facilities beginning service before the effective date of the initial order until December 31, 2029.

Essentially, the bill extends the grandfathering provision providing a 1:1 kilowatt credit for fed-in electricity from rooftop solar that currently will expire after the Commission's first Order in a rate case filed by a utility after January 1, 2020, to December 31, 2029. Customers eligible for the extended 1:1 credit are those taking service after the initial rate case for that utility changes the manner of

crediting solar customers, up until December 31, 2024. Customers taking service *before* the Commission's Order in the initial rate case are already grandfathered for 25 years.

HB 334 (Cantrell and others)(H. Elections)(+)

Proposed state constitutional amendment would recognize a right of the people to have clean air, pure water, and for the Commonwealth to be required to preserve the natural, scenic, historic, and esthetic values of the environment for the benefit of all Kentuckians.

HB 352 (Rudy)(H. A&R)(-)(posted)

Governor Beshear's proposed biennial budget.

The significant adverse effect of the proposed budget on the continued operations of the Energy and Environment Cabinet, warrant KRC's opposition to the proposed budget.

The proposed budget reflects a decrease in funding of the Cabinet, and a sweeping of significant amounts of supposedly "dedicated" funding into the General Fund to support the new Governor's priorities, which do not appear to include protection the environment. For example, overall personnel costs are being reduced by nearly \$8 million dollars from current levels, \$24 million less than was requested by EEC.

The proposed sweep of nearly all the Petroleum Storage Tank Environmental Assurance Funds of \$55M in FY2021 and \$38M in FY2022 will certainly slow the rate of reimbursement for remediation of contaminated underground storage tank sites.

Additionally, the "sweeping" of \$2 million per year from the Kentucky Pride Trust Fund and 3.5 million from the waste tire fund during the biennium, will adversely affect cleanup and other waste remediation activities funded by those programs.

A healthy economy and a healthy people depend on clean air, water, and soil. The proposed budget fails to assure that future for Kentuckians.

HB 379 (Thomas, Bechler)(H. Transp)(-)

Would allow electronic advertising billboards located on the premises of a business or organization to advertise or promote activities and products offered both on the property and by charitable nonprofit organizations or groups.

KRC does not support expansion of the use of electronic billboards for any reason, particularly if those billboards are multi-message boards whose message changes. Current regulation allows each community to determine whether it will allow electronic message boards. The bill would appear to override that local determination and would allow any electronic on-site message board to also include off-site activities, events, and products from nonprofits.

Since Kentucky courts have struck content-based billboard regulation that has attempted to control both commercial and noncommercial messages, the other concern is that if passed, the restriction on what off-site messages can be displayed might be struck by a reviewing court, leaving broad authority for off-site messages on every current on-site messaging device.

HB 380 (Nemes)(H. A&R)(+)

Would extend the voluntary environmental remediation tax credit to 2024.

HB 403 (Gooch)(H. NR Energy)(+)(posted)

Would change the eligibility threshold for participation in a voluntary energy cost assistance fund from 110% of the federal poverty guidelines to the percentage of the federal poverty guidelines required for eligibility in the subsidy component of the Low-Income Home Energy Assistance Program (LIHEAP).

HB 407 (Meredith)(H. H&FS)(+)

Would require licensed child-care centers to be tested for radon at least once every five years as part of their initial licensure and license renewal and require posting of test results.

House Resolutions

HJR 8 (Huff and others)(Adopted by both chambers)

Joint Resolution would direct Energy and Environment Cabinet and the Louisville Metro Air Pollution Control District to determine the environmental benefits, related costs, and potential alternatives to the federal reformulated gasoline requirements currently imposed in Jefferson County and partial areas in Bullitt and Oldham Counties.

KRC supports periodic review of all measures contained in “State Implementation Plans” that have been adopted in order to control levels of ozone and other air pollutants, in order to assure that they remain cost-effective in terms of the levels of reduction achieved. KRC opposes any state mandate directing, as the General Assembly once did regarding vehicle testing, termination or removal of any program that is part of the state or Metro Louisville SIP.

In testimony before the House Committee, KRC requested that in assessing the benefits of maintaining RFG, the **health** as well as environmental benefits be evaluated, since elevated ground-level ozone is associated with pulmonary and respiratory injury, particularly to sensitive populations. The sponsor agreed to that inclusion, and it was incorporated into the bill before the resolution as sent to the Senate on January 23 by the House.

HR 37 (Tipton and Graviss)(Adopted)(+)

Simple resolution encourages the restoration and maintenance of the Kentucky River to ensure full navigability of the river for economic and tourism development purposes.

HR 95 (Elliott)

Simple resolution proclaiming March 3, 2020, as Kentucky Natural Lands Awareness Day.

Senate Bills

SB 16 (Embry)(S NR Energy)(+)(Needs Amendment)

Would amend “waste disposal facility” definition in KRS Chapter 224 to specify that all residual landfills are included in the process of local solid waste planning and to remove the exception for private facilities that dispose of their own waste on their own property (so-called captive landfills) from the requirements to obtain approval from local governing body when a municipal solid waste disposal facility seeks to expand or construct a facility. This would address the lack of local ability to control off-site residual landfills constructed by a facility to dispose its industrial waste in a different county, by subjecting disposal of residual wastes in captive facilities to local planning. The environmental and other concerns associated with residual landfills do not differ whether the facility is commercial or captive, and the current exemption from local solid waste planning for captive residual landfills is arbitrary.

An amendment is needed to clarify that any residual or contained landfill or incinerator disposing of industrial waste is subject to local solid waste planning, whether “for a fee” or not; otherwise captive residual landfills would remain exempted.

SB 17 (Embry)(S. Transp)(+)

Would define permitting unsafe amounts of leaves or mowed grass on highways as criminal littering.

SB 19 (D. Carroll and Embry)(S. Transp)(+)

Same as SB 17

SB 22 (Embry)(S NR Energy)(+)

Would amend KRS 61.878 to allow fiscal courts to impose license fees on residual landfills and to assess increased fees for accepting wastes outside of the waste planning area.

An amendment is needed to clarify that “municipal solid waste disposal facility” as used in that section includes any residual or contained landfill or incinerator disposing of industrial waste is subject to local solid waste planning, whether “for a fee” or not; otherwise captive residual landfills would remain exempted.

SB 27 (Turner)(S NR Energy)(+)

Would prohibit the approval of mining permit applications for applicants that are not compliant with the wage performance bonding requirements of state law and would make continued compliance with those requirements a condition of any mining permit. All penalties collected for violations of wage performance bonding requirements for mining operations would be paid to employees injured by the employer's failure to post the performance bond.

SB 51 (Alvarado)(S. State Local Govt)(-)

Proposed state constitutional amendment would allow the General Assembly the power to limit noneconomic damages for injuries resulting in death or for injuries to persons or property, and the power to provide statutes of limitation.

The right to redress for injury is among the bedrock rights in Kentucky's constitution, and cannot and should not be infringed upon by constitutional amendments seeking to limit the recovery of pain and suffering and for punitive damages. Access to the courts for redress of injuries is a legitimate tool for redress of environmental and workplace safety and health-related injuries, and for deterrence from future negligence and gross negligence.

SB 56 (Alvarado)(H. Judiciary)(+)(posted)

Would prohibit the sale of tobacco, alternative nicotine, or vapor products to persons under the age of 21.

SB 68 (Harper Angel)(S. NR Energy)(+)

Would ban on plastic, single-use carryout bags by July 1, 2025 and the provision of single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments by July 1, 2023.

SB 86 (West)(S. State Local Govt)(-)

Would allow local governments and special districts to void implementation of water fluoridation programs by the Cabinet for Health and Family Services.

Senate Resolutions

SR 108 (Smith)(Adopted)(-)

Would confirm reappointment of current Public Service Commission Chair, Michael Schmitt, to a term expiring July 1, 2023. KRC believes we need new Commissioners who are more sensitive to issues of affordability in rate setting for low- and fixed-income ratepayers, and who view intervention more liberally in order to assure that all affected ratepayers have a voice and are included in rate setting cases.

SCR 152 (Wheeler and Webb)(S. Eco Dev)

Concurrent Resolution would reestablish the Public Water and Wastewater System Infrastructure Task Force to continue to evaluate policy options on how to address Kentucky's troubled public water and wastewater systems.

GENERAL GOVERNANCE AND JUSTICE BILLS ON WHICH KRC HAS TAKEN A POSITION

House Bills

HB 6 (Booker)(H. Elections)(+)

Proposed amendment to Kentucky Constitution to restore voting rights to persons convicted of felonies upon completion of their sentence; submit to the voters for ratification or rejection.

HB 33 (Scott and others)(H. Eco Dev)(+)

Amend prohibited discriminatory workplace practices to include hairstyle and other traits historically associated with race.

HB 39 (Hinkle and others)(H. Eco Dev)(+)

Would increase minimum wage for hourly and tipped workers.

HB 59 (Reed, Rowland)(S. Ag)(+)

Would designate the Wednesday of National Farm Safety Week, which is the third week of September, as "Farmer Suicide Prevention Day."

HB 78 (Sorolis and Flood)(H. Elections)(+)

Would allow in-person early voting between 9 a.m. and 4 p.m. on the three Saturdays preceding any primary, regular election, or special election.

HB 80 (Sorolis)(H. Elections)(+)

Would allow same-day voter registration on election day under certain circumstances.

HB 81 (Sorolis)(H. Election)(+)

Would make an application for a motor vehicle driver's license a simultaneous application for voter registration unless declined by the applicant.

HB 119 (Brown and others)(H. Elections)(+)

Proposed state constitutional amendment would restructure the voting restrictions relating to felons and persons with mental disabilities.

HB 124 (Hatton)(H. Sm Bus)(+)(posted)

Would require net neutrality for any public or private Internet service providers using KentuckyWired network.

HB 168 (Moser and Flood)(To Senate)(+)

Would make it ethical misconduct for a legislator, legislative agent, or director of the Legislative Research Commission to intentionally engage in discrimination, harassment, or sexual harassment.

HB 225 (Marzian and others)(H. Eco Dev)(+)

Would prohibit discrimination because of sexual orientation and gender identity.

HB 230 (Meeks)(H. Eco Dev)(+)

Would provide definitions of "protective hairstyle" and "race" that include traits historically associated with race, with respect to banned discriminatory practices.

HB 231 (Cantrell and others)(H. State Govt)(+)

Would allow employees of the Commonwealth of Kentucky to collectively bargain.

HB 237 (McCoy)(H. Judiciary)(posted)(+)

Would add serious mental illness to the disabilities which prevent execution for persons convicted of capital offenses.

HB 239 (Hatton and numerous others)(H. Eco Dev)(+)

Would eliminate the requirement that physicians contracting with the commissioner of the Department of Workers' Claims to perform evaluations in occupational disease claims be "B" readers who are licensed in Kentucky and are board-certified pulmonary specialists.

HB 280 (Tate)(H. Transp)(+)

Would prohibit the operator of a motor vehicle from carrying passengers who are required to be secured in a child restraint system or booster seat from placing the child restraint system or booster seat in the front seat of the vehicle if the vehicle has seating in the vehicle behind the front seat.

HB 306 (McCool and Santoro)(S. L&O)(+)

Would mandate compliance with Structural and Bridge Welding Code requirements for structural steel welding and testing by a certified facility.

HB 309 (Sorolis)(H. State Govt)(+)

Would amend Open Meetings law to allow an agency, the Attorney General, or a court to vacate actions taken at a meeting where the agency failed to give notice of the meeting; and to require a person to be awarded court costs and attorney fees when a court finds there was no justiciable reason for an agency's denial of an open meetings complaint.

HB 319 (Elliott)(H. Rules)(+)

Would establish the Kentucky Civil War site preservation fund and allow the Kentucky Heritage Council to provide grants from the moneys deposited in the fund to private nonprofit organizations for the purchase of certain sites.

HB 371 (Bridges and others)(H. A&R)(+)

Would establish a nonrefundable Kentucky affordable housing credit.

HB 394 (Elliott)(H. Local Govt)(+)(posted)

Would require certain local government playground projects to include wheelchair access ramps, wheelchair-friendly surfaces and at least one (1) wheelchair swing.

HB 465 (Koenig)(+)

Would establish a procedure for the optional consolidation of counties.

HB 471 (Hart)(+)

Would expand the Endow Kentucky tax credit cap to \$5 million annually instead of the current tax credit cap of \$1 million annually and provide that 2 percent of the tax credit cap is reserved for foundations and funds that exclusively serve rural counties.

HB 472 (Cantrell)(+)

Would establish procedures for courts to dismiss civil actions that are determined to be harassing and malicious.

House Resolutions

HCR 4 (Wiederstein)(H. H&FS)(+)

Concurrent resolution urging Congress to enact the Lower Health Care Costs Act, a bipartisan measure intended to reform disclosure and health care policy in 12 discrete areas.

HR 11 (Duplessis)(Adopted)(+)

Simple resolution will urge Congress to require car manufacturers to improve safety devices in cars for protection of children left in cars.

HR 20 (Meeks, Scott)(Adopted)(+)

Simple resolution would recognize the second Monday of October of each year as Indigenous Peoples' Day in Kentucky.

HR 50 (Minter and others)(H. Elections)(+)(posted, posting withdrawn)

Simple resolution celebrating 100th anniversary of Kentucky's ratification of 19th Amendment.

HCR 88 (Gooch)(H. NR Energy)(+)

Would reestablish the Public Water and Wastewater System Infrastructure Task Force and direct the task force to continue to evaluate policy options on how to address Kentucky's troubled public water and wastewater systems.

HJR 91 (Bojanowski and others)(H. NR Energy)(+)

A Joint Resolution would direct the Energy and Environment Cabinet to study the economic impact of renewable energy portfolio standards and other renewable energy policies in all states and to provide recommendations on the applicability and feasibility of adopting new renewable energy policies that support economic growth in Kentucky.

Senate Bills

SB 13 (Thomas)(S A&R)(+)

Would gradually increase minimum wage for hourly and tipped workers.

SB 21 (Embry)(S. Rules)(+)

Would require veterinarian to report abuse and to allow immunity for a good faith report.

SB 43 (Thomas)(S. State Local Govt)(+)

Would allow in-person early voting between 9 a.m. and 4 p.m. on the three Saturdays preceding any primary, regular election, or special election.

SB 48 (Neal)(S. State Local Govt)(+)

Proposed state constitutional amendment would allow persons convicted of a felony, other than felonies designated by the General Assembly, the right to vote.

SB 62 (Higdon)(S. Rules)(+/-)

Original bill proposed a state constitutional amendment would grant persons convicted of a felony other than a sex offense, a violent offense, or an offense against a child, the right to vote five years after completion of sentence.

Committee Substitute adopted in the Senate would grant more latitude to the General Assembly to determine by law which felonies would be eligible and what preconditions would need to be met. The committee substitute weakens the bill in our estimation. Floor amendment further weakens the bill and limits General Assembly power to restoring voting but not civil rights.

SB 97 (Neal)(S. L&O)(+)

Would make legislative findings and require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations.

SB 130 (McGarvey and others)(S. Judiciary)(+)

Would prohibit discrimination based on sexual orientation or gender identity.

SB 142 (J. Adams)(S. Ag)(+)

Would amend and reform numerous animal cruelty laws.

SB 151 (Neal)(S. Judiciary)(+)

Would provide an enhanced term of imprisonment for any defendant convicted of certain crimes when he or she intentionally selected the person because of that person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation.

SB 152 (Smith)(S. A&R)(+)

Would extend the Endow Kentucky tax credit for charitable donations to qualified community foundations and raise it to \$5 million each fiscal year beginning July 1, 2020, reserving 20% of the credits for rural counties.

SB 154 (J. Adams, McGarvey, Neal)(S. Judiciary)(+)

Would add a diagnosis of serious mental illness to the disabilities which prevent execution for persons convicted of capital offenses.

SB 157 (Schroder)(S. State Local Govt)(+)

Would amend executive branch lobbyist laws to define "financial impact" and refine the definitions of "executive agency decision" and "substantial issue" and include real parties in interest as part of the engagement of the executive agency lobbyist in the requirement to report compensation paid or received.

Disclosure of interests paying for efforts to influence the executive branch of state government for financial gain should be subject to disclosure.

SB 159 (Schroder)(S. State Local Govt)(+)

Would require CHFS to regulate sanitation of splash pads.

SB 162 (Girdler)(S. State Local Govt)(+)

Would require training of mayors and legislative bodies of home rule class cities on open meetings, records, ethics, and government functioning.

SB 164 (Wheeler)(S. A&R)(+)

Would designate 100% of a new open dumping fine be paid to the county where the violation occurred, expressly include littering and open dumping as crimes subject to enforcement by code enforcement, allow local governments to impose a civil fine between \$250 and \$500 for open dumping and prescribe funds to be used for abatement, cleanup and restoration of the illegal dump site.

SB 165 (Hornback and others)(S. Eco Dev)(+)

Would require operators to update the positive response system documenting the status of marking the approximate location of its underground facilities and to require excavators to give additional time to operators of underground facilities transporting gas or hazardous liquids or transmitting electricity, and require excavators that find evidence of an unmarked underground facility to notify the protection notification centers and give the operators 6 hours to identify the facility; provide that if an operator of underground facilities other than one transporting gas or hazardous liquids or transmitting electricity fails to respond to locate requests and to update the positive response system the excavator shall not be liable for damages resulting from the operator's failure to comply with the duties provided in the Underground Facility Damage Prevention Act of 1994.

SB 180 (Thomas)(S. State Local Govt)(+)

Would require witnesses appearing before a committee, interim committee, statutory committee, subcommittee, commission, or task force of the General Assembly to take an oath prior to giving testimony.

Senate Resolutions

SR 25 (McGarvey)(+)

Simple resolution commemorating the 100th anniversary of Kentucky's ratification of the 19th Amendment to the Constitution of the United States giving women the right to vote.

SR 63 (Neal)(+)

Simple resolution recognizing the work of the Center for Neighborhoods.

SCR 86 (Alvarado)(S. Judiciary)(+)

Concurrent resolution condemning antisemitism and reaffirming that certain acts of antisemitism are hate crimes under Kentucky law.

SR 128 (Neal and others)(+)(Adopted)

Resolution celebrating Black History Month.

SR 139(Harper Angel)(+)(Adopted)

Simple resolution celebrating the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution.

BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN NO POSITION

House Bills

HB 9 (Scott and others) (H. Ed)

Would require African history instruction in certain middle and high school world history and civilization courses.

HB 19 (Rowland and others) (H. State Govt)(posted)

Would adopt year-round daylight-saving time in the state of Kentucky if authorized by the United States Congress.

HB 22 (Riley and others)(S. Ed)

Would prohibit corporal punishment as a form of discipline in schools.

HB 25 (Scott and others)(H. Ed)

Would amend statutes to eliminate charter school authorization.

HB 27 (Bratcher and others)(S. State Local Govt)

Would name and designate as the official pets of Kentucky domestic cats and dogs that reside in or have been adopted from Kentucky animal shelters or rescue organizations.

HB 28 (Sims)(H. A&R)

Would raise sales and use tax from 6 to 8%.

HB 30 (Raymond)(H. Ed)

Would expand definition of bullying to include non-school sponsored events and cyberbullying.

HB 31 (Booker)(H. Judiciary)

Would repeal concealed carry of weapons without a license.

HB 32 (J. Miller and Moser)(H. Rules)

Would extend tobacco tax to include vaping products.

HB 41 (Raymond, Flood)(H. Ed)

Would require full-day kindergarten programs.

HB 43 (Brown and others)(H. Eco Dev)

Would prohibit employers from considering or requiring disclosure of prior criminal history as part of the initial job application.

HB 45 (Brown and others)(H. Judiciary)

Comprehensive reform of firearm regulation, including background checks and safe firearm storage.

HB 51 (Bechler and others)(H. Local Govt)(posted)

Would require local law enforcement agencies and Kentucky State Police to enforce immigration laws; prohibit local governments from adopting sanctuary policies and provide for the withholding of state funding from sanctuaries; prohibit postsecondary educational institutions from enrolling employing or contracting with illegal aliens.

HB 52 (Lewis)(H. Tourism)

Would revise law relating to hunting coyotes at night.

HB 55 (Yates)(H. Elections)

Would revise laws regarding vacancies in elective offices.

HB 61 (Huff)(H. Transp)

Would provide for 90-day revocation of driver's license on conviction of illegally passing a school or church bus.

HB 63 (Wiederstein)(H. State Govt)

Would revise requirements for fiscal notes on legislative measures and those affecting local governments.

HB 66 (Huff)(H. Judiciary)

Would prohibit use of a personal communication device or stand-alone electronic device while operating a motor vehicle; set forth exceptions and penalties.

HB 67 (Fischer and others)(H. Rules)

Proposed amendment to Kentucky Constitution would state that Kentucky's Constitution does not secure or protect a right to abortion or funding of abortion.

HB 70 (Graviss)(H. State Govt)

Would provide for annual salary increment for state employees based on the average of the consumer price index for the two calendar years prior to the biennium.

HB 73 (Wiederstein)(H. Elections)

Proposed state constitutional amendment would impose term limits on General Assembly members.

HB 76 (Kulkarni)(H. Judiciary)

Would criminalize possession of a firearm by a convicted domestic abuser and possession of a firearm by the subject of a domestic violence protective order.

HB 77 (Kulkarni)(H. Eco Dev)

Would create a prevailing wage law for all public works projects.

HB 83 (Wiederstein)(H. H&FS)

Would eliminate certificate of need process for health and medical services.

HB 106 (Stevenson)(H. Judiciary)

Would require forfeiture of animals subjected to cruelty.

HB 107 (Stevenson)(H. Judiciary)

Would provide civil immunity for damaging a vehicle if a person enters the vehicle with the reasonable, good-faith belief that a dog or cat is in immediate danger of death if not removed.

HB 108 (Stevenson)(H. Ag)

Would provide that a veterinarian is not subject to discipline when acting in good faith to report, provide information about, or testify on a suspected animal abuse violation.

HB 111 (Graham)(H. Elections)

Would require filing of five years of federal income tax returns with the Registry of Election Finance by any candidate for constitutional statewide office who files a notification and declaration for elective office.

HB 112 (Jenkins)(H. Elections)

Would require that all personal loans made by candidates for all constitutional state officers, including the Governor and Lieutenant Governor, to their campaigns be repaid by their campaign committees within one year.

HB 113 (Hatton)(H. Elections)

Would require statewide elected officials to file a statement of use of state resources with the Executive Branch Ethics Commission when state resources are used for nonpublic purposes and the value of that use of state resources exceeds \$250.

HB 123 (Cantrell)(H. Eco Dev)

Would require employers to provide earned paid sick leave to employees.

HB 127 (King)(H. Elections)

Proposed state constitutional amendment to prohibit members of the General Assembly from receiving legislative pay for a special session called because the General Assembly adjourned without passing a state budget.

HB 129 (Moser and others)(S. H&W)

Would revise funding formula and mandates to local health departments.

HB 136 (Nemes and numerous others)(To Senate)

Would legalize medical marijuana.

HB 143 (Tipton and others)(H. Rules, recommitted to H. A&R)

Would provide annual cost of living adjustment for state employees.

HB 148 (Howard)(H. Judiciary)

Would legalize and regulate recreational marijuana.

HB 149 (Webber)(H. Elections)

Proposed state constitutional amendment would require Governor to name his or her Lieutenant Governor within 30 days of being nominated for Governor.

HB 157 (Howard)(H. Elections)

Proposed state constitutional amendment would impose term limits on state legislative offices.

HB 158 (Wheatley)(H. Judiciary)

Would ban sale and purchase of flavored vaping products.

HB 160 (Huff and others)(H. Transp)

Would allow commercial sponsorships with signage of state highway vehicles, rest areas, bridges, tunnels, and roads, with the proceeds going to the road fund.

HB 163 (Schamore)(H. Elections)

Proposed state constitutional amendment establishing term limits for state legislators.

HB 176 (Raymond)(H. Eco Dev)

Would require employers with 50 or more employees to provide twelve weeks of paid parental leave for an employee who has been employed for at least one year.

HB 181 (Gentry)(H. Elections)

Proposed state constitutional amendment would allow casino gambling.

HB 182 (Palumbo)(H. A&R)

Would create an income tax credit for purchase and installation of electric vehicle charging equipment.

HB 185 (Heath)(H. Elections)

Would establish term limits for state legislative offices.

HB 188 (King)(H. State Govt)

Would require roll call votes on any state fiscal measure, including an appropriation or revenue-raising measure.

HB 190 (Bratcher)(S. Ed)

Amend current law to require that the code of acceptable behavior and discipline include appropriate reporting and escalation requirements of incidents of bullying.

HB 192 (Donohue)(H. Judiciary)

Bill regulating assault weapons and large capacity ammo feeding devices.

HB 197 (McCool, Frazier)(H. Judiciary)(posted)

Would raise jury pay from 5 to 30 dollars per day.

HB 216 (Thomas and others)(H. Judiciary)

Would include violence against an animal used as coercive conduct in the definition of "domestic violence and abuse."

HB 221 (Booker)(H. Judiciary)

Would decriminalize personal possession of marijuana.

HB 222 (Booker)(H. Judiciary)

Would provide for automatic expungement of eligible misdemeanors, violations, and certain Class D felonies.

HB 223 (Freeland and others)(H. Judiciary)

Would increase punishment for torture of a dog or cat to a Class D felony.

HB 224 (Marzian)(H. H&FS)

Would establish a qualified terminally ill patient's right to voluntarily request medication to self-administer to cause death.

HB 227 (Yates)(H. Elections)(posted)

Would remove straight-party voting as an option in a regular election.

HB 236 (Koch, Heath)(Became Law)

Would amend hemp regulation to set forth requirements for the transportation of hemp or hemp products, and regarding testing.

HB 242 (Upchurch)(S. Transp)

Would allow transporters of new manufactured housing to exceed height and weight limits for highways under permit.

HB 244 (Graviss)(H. Judiciary)

Would prohibit spectators and vendors from attending an event where any animal, rather than any four-legged animal, is caused to fight.

HB 252 (Dossett)(H. Rules)

Would require an inspection and a new B1 seal prior to the transfer of title or ownership of a manufactured or mobile home.

HB 255 (Tipton and others)(H. Transp)(posted)

Would prohibit the use of a personal communication device or stand-alone electronic device while operating a motor vehicle.

HB 259 (Brown and others)(H. Judiciary)

Would make it a crime to unlawfully store a firearm and establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor.

HB 287 (Sims)(H. Elections)

Would allow party-affiliated and independent voters to vote in primary elections for other political parties under certain circumstances.

HB 314 (Graviss)(H. Judiciary)

Would increase the amount that a claim may not exceed in District Court from \$5,000 to \$20,000; increase the amount that a claim may not exceed in the small claims division from \$2,500 to \$10,000; and to increase the amount that a counterclaim may not exceed in the small claims division from \$2,500 to \$10,000.

HB 326 (Graviss and numerous others)(H. Elections)

Would establish the Advisory Redistricting Commission, which shall be composed of members appointed by the General Assembly and members of the public at large to draft redistricting plans for legislative and congressional districts.

HB 327 (Bratcher and others)(S. Judiciary)

Would create automatic expungement of acquittals and dismissals with prejudice occurring after the effective date of the Act and allow petitions for expungement of past acquittals and dismissals with prejudice.

HB 332 (Pratt)(H. Rules, recommitted to H. A&R)

Would require the Kentucky Communications Network Authority to offer wholesale access to the excess capacity on KentuckyWired only in unserved areas.

HB 336 (Fischer)(To Senate)

Would require a candidate for Governor to select a running mate in a slate of candidates after filing a certificate or petition of nomination and not later than the second Tuesday in August preceding the regular election for the office of Governor.

HB 339 (Miles and Nemes)(H. A&R)

Would change the definition of "processing" regarding severance taxes to include the act of loading or unloading limestone that has not otherwise been severed or treated in the Commonwealth.

HB 345 (T. Huff)(H. L&O)

Would require land surveyors to carry errors and omissions insurance and direct the state board of licensure to offer group insurance.

HB 351 (Rudy)(H. A&R)(posted)

Revenue measure would increase the surtax on cigarettes and the excise tax on chewing tobacco, snuff, and tobacco products and expand taxes to include vaping products effective July 1, 2020.

HB 353 (Rudy and Santoro)(H. A&R)(posted)

Governor's proposed biennial transportation budget.

HB 354 (Rudy, Santoro)(H. A&R)(posted)

Biennial highway construction plan.

HB 355 (Rudy)(H. A&R)(posted)

Proposed biennial legislative branch budget.

HB 356 (Rudy)(H. A&R)(posted)

Proposed biennial judicial branch budget.

HB 362 (Pratt and others)(H. Sm Bus)(posted)

Would create broadband deployment fund to provide assistance to construct infrastructure for deployment of broadband service to underserved and unserved areas of the Commonwealth.

HB 363 (Blanton, Dossett)(H. A&R)

Would increase court costs and traffic safety program costs to fund a new Department of Kentucky State Police forensic laboratory fund.

HB 365 (Hart, Bratcher)(H. Ag)(Under review)(posted)

Comprehensive revision to pesticide regulation statutes.

HB 405 (Nemes, Lewis)(H. Elections)

Proposed state constitutional amendment would increase the term of office for Circuit Court Clerks and Commonwealth's Attorneys from six years to eight years beginning in 2024; increase the term of office for county attorneys and district judges from four years to eight years beginning in 2022; increase the requirement of being a licensed attorney from two years to eight years for district judges beginning in 2022; exempt any person serving as a District Judge on the effective date of the Act from the eight-year licensure requirement.

HB 420 (K. King)(H. Ag)(posted)

Would direct the Department of Agriculture to implement the Food Safety Modernization Act.

HB 422 (Petrie, Tipton)(H. A&R)

Would revise law for preparation of fiscal notes for any bill creating a tax expenditure and require offsetting before the bill could be voted on.

HB 443 (Petrie)(H. State Govt)

Would exclude from the Open Records Act client and case files maintained by the Department of Public Advocacy and the department's contractors.

HB 446 (Gooch)(H. Local Govt)

Would change the limits on water district commissioners' annual salary to limits on their total annual compensation and allow the Public Service Commission to grant reasonable extensions of time for water district commissioners to complete their training requirements for good cause shown.

HB 475 (Meredith and numerous others)

Proposed amendment to Kentucky Constitution to permit the General Assembly to authorize a county, city, town, or municipal corporation to assess and collect local taxes and fees that are not otherwise in conflict with the Constitution.

House Resolutions

HR 2 (Osborne)(Adopted)

Resolution adopting the rules for the House for 2020 Session.

HCR 4 (Wiederstein)(H. H&FS)

Concurrent resolution urging the United States Congress to enact the Lower Health Care Costs Act.

HCR 5 (Bentley and others)(S. H&FS)

Concurrent resolution urging federal policymakers to expedite research regarding the safety and efficacy of the use of marijuana for medical purposes.

HR 65 (Miles and others)(adopted)

Simple resolution pledging civility on and off the House floor.

HJR 66 (Rudy, Santoro)(H. A&R)(posted)

Joint resolution providing that the last four years of the six-year road plan would be adopted as a joint resolution.

Senate Bills

SB 1 (D. Carroll and others)(H. Judiciary)(posted)

Would prohibit local or state sanctuary policies and require agencies and law enforcement to support enforcement of federal immigration law.

SB 2 (Mills and others)(H. Rules)

Voter Identification bill.

SB 3 (McDaniel and others)(H. Elections)

Proposed state constitutional amendment to hold the election of the Governor, Lieutenant Governor, Treasurer, Auditor of Public Accounts, Attorney General, Secretary of State, and Commissioner of Agriculture, Labor and Statistics in even-numbered years, every four years.

SB 4 (Higdon and others)(To House)

Would create new Kentucky Transportations Board to develop the biennial highway construction plan and six-year road plan, removing that power from the Governor.

SB 5 (Alvarado and others)(H. Local Govt)(posted)

Would require proposed increases or levies of ad valorem taxes and certain fees by special purpose governmental entities to be submitted to the legislative body of the county or city.

SB 11 (Schickel, Embry)(H. Judiciary)(posted)

Would make intentional or wanton defacement, destruction, or damage to a residential rental property subject to charge of criminal mischief.

SB 15 (Westerfield and others)(S. Rules)

Proposed state constitutional amendment to establish a crime victims' bill of rights.

SB 28 (Meredith)(S. State Local Govt)

Proposed state constitutional amendment would increase terms of Senators and Representatives.

SB 31 (Meredith)(S State Local Govt)

Proposed state constitutional amendment would abolish office of Lieutenant Governor and establish new lines of succession.

SB 32 (Neal)(S. Veterans)

Would make it a crime to unlawfully store a firearm.

SB 55 (Smith)(S. Rules)

Would create a Blockchain Technology Working Group to examine the applicability of blockchain technology for various utility sectors and report to the Governor and the LRC by December 1 of each year.

SB 58 (McDaniel)(S. Rules)

Proposed state constitutional amendment to prohibit Governor's from granting pardons or commute sentences beginning 30 days prior to a gubernatorial election and ending at that gubernatorial inauguration.

SB 71 (Parrett)(S. State Local Govt)

Would create a Kentucky Committee on Legislative Redistricting, composed of state university faculty, to develop redistricting plans for state legislative and United States congressional districts.

SB 73 (Buford)(S. Ag)

Would provide that the fine for causing animals to fight shall be \$5,000.

SB 75 (Wheeler and others)(S. Transp)

Act makes numerous changes in current law regarding registration of off-highway vehicles.

SB 78 (Meredith, Adams, D. Carroll)(S. Transp)

Would require bicycle helmets for operators and passengers under the age of 12 in the bicycle standards and safety administrative regulations.

SB 94 (Hornback and others)(To Governor)

Would remove requirements for the sale of gasoline containing up to ten percent ethanol.

SB 98 (Schickel)(S. Judiciary)

Would remove protections against employment discrimination based on an individual's status as a smoker or nonsmoker.

SB 100 (Meredith and Alvarado)(S. Judiciary)

Would require that claims in lawsuits for medical or health care expenses be offset for contractual adjustments by claimant's healthcare payer.

SB 103 (Castlen)(H. Local Govt)

Would reduce size of "farmstead" from 10 to 5 acres, exclusive of non-farm buildings, for purposes of on-site sewage disposal system requirements; and for the purposes of exemption from the requirements of the Kentucky State Plumbing Code.

SB 106 (Schroder)(S. State Local Govt)

Proposed amendment to state constitution would eliminate Section 233 providing that laws of the Commonwealth of Virginia continue in force unless changed by General Assembly.

SB 107 (West and others)(S. Judiciary)

Would legalize and regulate medical marijuana.

SB 113 (Schickel)(S. State Local Govt)

Would prohibit a corporation organized outside this state from making contributions or expenditures to support a ballot issue; and to prohibit nonresidents of this state and corporations not organized in this state from being able to register a political issues committee, contribute to a political issues committee, or otherwise make contributions and expenditures in support of, or in opposition to, a ballot issue.

SB 143 (Wheeler)(S. Ed)

Would require school districts to adopt policies ensuring that all students remain seated and silent for a period of meditation, prayer, or other silent activity.

SB 145 (McGarvey, J. Adams)(S. State Local Govt)

Propose to amend Kentucky Constitution to authorize the General Assembly to define, permit, oversee, and regulate all forms of otherwise-permissible gaming.

SB 163 (Schroder)(S. State Local Govt)

Would allow the reviser of statutes to edit any section or parts of sections of the Kentucky Revised Statutes that have been declared unconstitutional, void, or otherwise unlawful and unenforceable by a state or federal appellate court.

SB 175 (Webb)(S. Ag)

Would guarantee the right to utilize working animals for “the mutual benefit and welfare of the animals and those they serve” and would preclude local government regulation banning or effectively banning the use of such animals or animal enterprise in commerce, service, ranching, entertainment, transportation, education, or exhibition. Wouldn’t override state or federal laws regulating animal care, public health, and public safety.

Senate Resolutions

SR 2 (Stivers) (adopted)

Rules governing 2020 Senate in Regular Session.