

2019 General Assembly Regular Session: Bills We're Watching: The First Edition

This list profiles the environmental, conservation, consumer and general government bills that the Kentucky Resources Council is tracking during the 2019 General Assembly Regular Session. This year is a "short" session, and began on January 8, 2018, with a scheduled adjournment of March 29. The General Assembly met from January 8-11 and has recessed until February 5. They will not be in session on February 18, March 8 or March 11. Beginning March 14 there is a "veto break" and they will reconvene on March 28 for two final days.

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.

WANT TO READ THE BILLS OR CONTACT LEGISLATORS?

For a copy of any bill, visit the Legislature's 2019 Session page at <http://www.lrc.ky.gov>

To find your legislators email, go to <http://www.lrc.ky.gov/whoswho/email.htm>

The phone number to reach a legislator in person is 502-564-8100 (this is not toll-free).

The toll-free meeting schedule information line is 1-800-633-9650.

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. We have formatted this update to highlight in the first section, those 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.

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 Committee

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

BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN A POSITION

House Bills

HB 9 (Hatton)(H. Sm Bus)(+)

Would require that contracts between the Kentucky Communications Network Authority and internet providers contain provisions to assure net neutrality and open and fair access.

HB 10 (Dossett)(-)

Would greatly expand the use of electronic billboard devices on any property advertising on and off-premise products and activities.

HB 11 (Moser)(H. H&FS)(+)

Would prohibit use of tobacco products by any person in schools, school vehicles, and properties by 2020-2021 school year.

HB 16 (Harris and Hatton)(H. NR Energy)(+)

Would amend Public Service Commission statutes regarding utility customer charges and would include affordability as a criterion in determining whether rates are fair, just, and reasonable.

HB 27 (Keene)(H A&R)(+)

Would exempt nonprofits from sales and use tax for events. One of several bills that hopefully will be combined, to remove sales and use tax from non-profit entities.

HB 28 (Osborne and numerous others)(H A&R)(+)

Would revise sales and use tax to exempt admissions to nonprofits from taxation.

HB 30 (Goforth)(H. Judiciary)(-)

Would modify firearms law to allow any person with a concealed weapon license to carry the weapon at all times, including courthouses (but not courtrooms), government meetings, school facilities, childcare centers, and would eliminate the ability of a business owner to prohibit carrying weapons on the premises.

HB 33 (Harris)(H NR Energy)(+)

Would require that miners wear clothing with at least 100 square inches of reflective material while in an underground mine and clothing with at least 50 square inches of reflective material at a surface mine site and require that coal operators provide the reflective clothing at no cost to the miner.

HB 35 (Goforth)(H. Elections)(+)

Proposed constitutional amendment to eliminate the Office of Judge of County Court in urban-county governments.

HB 36 (Bratcher and others)(H. Judiciary)(+)

Would provide civil immunity for damage to a vehicle if a person enters with reasonable good faith belief that a dog or cat is in immediate danger of death if not removed. Similar to SB 12 (D. Carroll).

HB 47 (Cantrell and Jenkins)(H EcoDev)(+)

Would establish rules requiring employers to provide earned paid sick leave to employees.

HB 48 (Cantrell and Jenkins)(H EcoDev)(+)

Would require employers with 50 or more employees to provide six weeks of paid maternity leave for an employee who has been employed for at least one year; allow an employee to waive the paid maternity leave.

HB 52 (Donohue)(H. EcoDev)(+)

Would require approved companies receiving economic development monies to pay minimum wage and benefits.

HB 59 (Huff)(H. Transp)(+)

Would modify crime of criminal littering to include dropping unsafe amounts of mowed grass on public highways without removing it.

HB 60 (Moser)(H. State Govt)(+)

Would prohibit harassment or sexual harassment by legislators or lobbyists of legislative branch employees; establish tip line; provide for investigation of complaints received.

HB 62 (Dossett and numerous others)(H A&R)(+)

Would allow taxpayers to voluntarily provide donation for YMCA Youth Assembly programs on tax returns.

HB 75 (Hatton and others)(H. EcoDev)(+)

Would eliminate the requirement that physicians contracting with the commissioner to perform evaluations in occupational disease claims be "B" readers who are licensed in Kentucky and are board-certified pulmonary specialists, and would allow the commissioner to select a physician or medical facility for referral in occupational disease claims. This would broaden the availability of qualified physicians and clinics for reviewing black lung claims.

HB 76 (Brown)(H. Judiciary)(+)

Would amend existing firearms laws to require safe storage, prohibit manufacture of bump stocks, require judges in protection orders to consider whether to limit firearm possession, and make other reforms in access to firearm and ammunition sales.

HB 77 (Meeks)(H. Judiciary)(+)

Would criminalize the possession of a firearm made using additive manufacturing (3D printing) for anyone under age 21 and for anyone who does not permanently engrave or attach serial numbers and authorize state police to issue serial numbers for firearms made with additive manufacturing.

HB 78 (Elliott)(H A&R)(+)

Would exempt from sales and use tax pet adoption fees and certain small veterinarian service fees charge by government and nonprofit animal welfare shelters.

HB 81 (Miller)(H. State Govt)(+)

Would revise and broaden scope of definitions of “officer” and “public servant” for purposes of executive branch ethics code.

HB 82 (Riley)(H. Ed)(+)

Would prohibit imposition of corporal physical discipline on a minor in public and private church-related schools.

HB 83 (Flood)(H. State Govt)(+)

Would define ethical misconduct to include sexual harassment by a legislator, legislative agent, or employee of the legislative branch.

HB 88 (Moser)(H. Ed)(+)

Would establish a goal of increasing time for physical activity in schools and process for reporting and tracking and sharing data on physical activity in schools.

HB 91 (Brown, Booker)(H. Elections)(+)

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

HB 117 (McCoy and Huff)(H. Transp)(+)

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

HB 122 (Donohue, Cantrell)(H A&R)(+)

Would create an income tax credit for expenditures made to mitigate noise from a commercial airport.

HB 123 (Dossett)(H Elections)(-)

Proposed constitutional amendment to allow judges to be elected on a partisan basis.

HB 127 (Meeks)(H. Elections)(+)

Proposed constitutional amendment would lower minimum age for state senators from 30 to 24 to match that of state representatives.

HB 128 (Meeks)(H. State Govt)(+)

Would prohibit the sale or display of items related to racist ideology or items produced since World War II denoting swastikas or Nazi-related logos on state property.

HB 146 (Meeks)(H. NR Energy)(+)

Would broaden net metering to allow participating third parties and power purchase agreements in the definition of "eligible customer-generator" and "eligible electric generating facility" and to exclude both from the rated capacity limitation. This would broaden availability of solar energy to individuals lacking the capital to purchase and install systems, and facilitate leasing of systems by third parties.

HB 157 (Clark)(Introduced)(+)

Would amend law to include assistance animals in the definition of "service animals" that are covered by assault on a service animal in the first degree.

HB 164 (Marzian and others)(Introduced)(+)

Would prohibit discrimination in housing, employment, and public accommodation based on sexual orientation or gender identity.

HB 165 (Gooch)(Introduced)(+)

Would more equitably distribute the agency workload costs for air pollution control programs by allowing the Energy and Environment Cabinet or Metro Louisville Air Pollution Control District to establish an air quality fee structure that may include a permit or registration fee in addition to the collection of a per-ton emissions-based assessment. The bulk of current funding is derived solely from emission fees on major sources; this change would more equitably spread the cost of the air pollution programs to include smaller permitted sources of air pollution whose permitting and compliance evaluation are part of the agency workload.

Senate Bills

SB 2 (Stivers)(Introduced)(-)

Would allow for petitioning for appointment by Chief Justice, or a special judge in any constitutional challenge or other civil action seeking declaratory or injunctive relief regarding legislative or agency action filed in a Circuit Court, at the election of the defendant.

Bill is aimed directly at the Franklin Circuit Court, which is the venue for the bulk of such challenges, and would negate the effect of the experience of the two Circuit Judges in addressing matters affecting executive and legislative branches of government.

SB 6 (Stivers, Thayer)(S. State Local Govt)(+)

Would amend existing law to require disclosure of executive agency lobbyist compensation, and to prohibit executive agency lobbyist compensation contingent on awarding of a government contract or based on a percentage of a government contract awarded.

SB 11 (Alvarado)(S. State Local Govt)(-)

Proposed constitutional amendment allowing General Assembly to place cap on recovery of non-economic damages for injuries to person or property.

SB 12 (D. Carroll)(S. 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.

SB 16 (Adams)(S. H&W)(+)

Would establish the Kentucky Rare Disease Advisory Council and create a rare disease trust fund to be administered by the Cabinet for Health and Family Services to finance the operation of the council and support rare disease research and treatment.

SB 17 (J. Adams)(+)

Would include diagnosis of serious mental illness as a disability preventing execution for capital offenses.

SB 27 (Alvarado)(S. Ed)(+)

Would prohibit use of tobacco products by any person in schools, school vehicles, and properties by 2020-2021 school year.

SB 28 (Alvarado)(S. NR Energy)(+)

Would require the Energy and Environment Cabinet to send a copy of a notice of violation for a hazardous waste site or facility to the county/judge executive of the county or the chief executive officer of the urban-county government within which the site or facility is located.

SB 32 (Humphries)(S. NR Energy)(+)

Would create an application and certificate process for water well driller assistants.

SB 45 (Neal)(S. Judiciary)(+)

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

SB 47 (Neal)(S. Veterans)(+)

Would prohibit unlawful storage of a firearm.

SB 51 (Thomas and Neal)(S. A&R)(+)

Would gradually increase minimum wage for employees of retail stores and service industries with minimum of \$500,000 average annual gross volume of sales for the employer from 8.20 per hour to 15.00 per hour in 2026, and similarly raise minimum for tipped employees; would allow local governments to establish minimum wages higher than state law.

SB 52 (Thomas)(S. State Local Govt)(+)

Would require witnesses before legislative committees to swear an oath prior to giving testimony.

SB 59 (Schickel, Embry, Wilson)(S. A&R)(+)

Would exempt from sales and use tax the sale of admissions by nonprofit educational, charitable, or religious institutions, and to exempt from sales and use tax the fundraising activities done by nonprofit educational, charitable, or religious institutions.

SB 63 (Thomas, Neal)(S. State Local Govt)(+)

Would allow in-person early voting between 8 a.m. and 6 p.m. on the three Saturdays preceding any primary, regular election, or special election and extend voting hours for election day voting from 6 a.m. to 8 p.m.

SB 67 (Adams, Thayer)(S. Judiciary)(+)

Would create a Class D felony for sex crimes against “any nonhuman creature,” with exceptions for veterinary and animal husbandry practices.

SB 87 (Higdon)(Introduced)(+)

Proposed constitutional amendment would require each amended legislative bill, which is materially altered or wholly changed in substance, to be read anew at length on three different days in each House beginning with the legislative session in the year 2021.

SB 89 (Alvarado)(Introduced)(+)

Would allow a local government to provide by ordinance for the abatement and decontamination of any property where a methamphetamine contamination notice has been posted, and require notice and hearing prior to the decontamination of any property where a methamphetamine contamination notice has been posted; provide that a local government may place a lien on the property for costs related to the enforcement of the ordinance and decontamination of the property; and to specify that a lien for the costs qualifies as a lien for which a sale may be ordered when the property is determined to be abandoned. Should be revised to provide an *opportunity* to request a hearing rather than automatic hearing prior to decontamination.

BILLS AND RESOLUTIONS WE'RE TRACKING FOR WHICH KRC HAS TAKEN NO POSITION

House Bills

HB 14 (Marzian)(H. Ed)

Would eliminate public charter schools.

HB 17 (Scott)(H. Ed)

Would repeal charter school authorization statutes enacted during 2017 session.

HB 19 (K. King)(H. Elections)

Constitutional amendment would prohibit members of the General Assembly from receiving legislative pay for a special session that has been called by the Governor because the General Assembly adjourned without passing a state budget.

HB 20 (K. King)(H. State Govt)

Would require roll call votes on any appropriation or revenue-raising measure voted upon in the Senate or House or a committee thereof.

HB 25 (Thomas)(H. Judiciary)

Would deny early release to a person convicted of torturing a dog or cat in order to threaten or terrorize a family member or person in a relationship.

HB 29 (Meade)(H A&R)

Would exempt sales and use tax on admissions to fishing tournaments or boat launching fees.

HB 34 (Goforth)(H. Transp)

Would revise statutes governing all-terrain vehicle use on highways.

HB 37 (Bratcher and Duplessis)(H. Judiciary)

Would establish an animal abuse offender registry. Critics have raised concern that the offender is required to self-register, rather than automatically being placed on the registry.

HB 38 (Bechler and Reed)(H. State Govt)

Would charge local and state police with cooperating with federal law enforcement agencies, including ICE, and would prohibit local government “sanctuary policies” and withhold monies from any state agency in violation.

HB 39 (Goforth)(H Ag)

Would allow homestead food operators and products to be exempt from CHFS licensing and permitting.

HB 51 (Donohue)(H. State Govt)

Would require all school and public building construction contracts to include a provision that iron, steel and manufactured goods used as a primary component in the contract be manufactured in Kentucky, with an opportunity to seek a waiver under certain conditions.

HB 58 (Huff, York)(H. A&R)

Would raise the pension income tax exclusion from \$31,110 to \$41,110 effective January 1, 2018.

HB 70 (Brown)(H. Judiciary)

Would criminalize the unlawful storing of firearms that allows access by a minor.

HB 74 (Schamore)(H. Elections)

Proposed constitutional amendment would amend several sections of Kentucky Constitution to give Senators a 6-year term and Representatives a four-year term and establish term limits of 2 consecutive terms for Senators and 3 for Representatives.

HB 97 (Hart)(H. State Govt)

Would allow local governments to exempt water systems from fluoridation requirements.

HB 114 (Dossett)(H. Elections)

Would move deadline for filing statement-of-candidacy form from April to January.

HB 115 (McCoy and others)(H. Judiciary)

Would abolish the death penalty and convert sentences to life imprisonment without parole for those on death row.

HB 120 (Tipton)(H. Transp)

Would tighten restrictions on operation of a personal communication device while operating a motor vehicle.

HB 125 (Schamore)(H. Tourism)

Would prohibit the destruction or abandonment of usable meat from deer or elk that are taken and killed in the Commonwealth and prohibit the dumping of deer or elk carcasses on public areas or private areas without permission.

HB 129 (Meeks)(H. Judiciary)

Would create the offense of a hate crime.

HB 130 (Tipton and others)(H. Judiciary)

Would amend law on terroristic threatening to include public gatherings, places of public accommodation, churches, and places of worship as places covered by the offense of terroristic threatening in the second degree.

HB 134 (Keene)(H. Transp)

Would establish an emergency contact information system registry within the drivers license information system.

HB 136 (St. Onge and others)(Introduced)

Would decriminalize medical marijuana and provide for regulation of its cultivation and use.

HB 145 (Meeks)(Introduced)

Would create the offense of a hate crime and provide guidance on when during sentencing a judge could determine a crime to have been a hate crime.

HB 152 (Stewart)(H A&R)

Would eliminate the deduction for transportation expenses from coal severance tax.

HB 155 (Brown and others)(Introduced)

Would amend law concerning expungement to make additional offenses eligible for expungement.

House Resolutions

HR 1 (Osborne)(Adopted)

Rules of Procedure for the House for the 2019 Session.

HCR 4 (Schamore)(H NR Energy)

Concurrent resolution calling on federal government to consider leading federal property for siting of communication infrastructure in Kentucky.

HCR 7 (Schamore)(H NR Energy)

Concurrent resolution calling on state government to consider leading federal property for siting of communication infrastructure in Kentucky.

Senate Bills

SB 5 (McDaniel and others)(To House)

Proposed constitutional amendment would amend Section 95 of the Constitution of Kentucky 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 4 year periods beginning in 2028.

SB 25 (Alvarado)(S. State Local Govt)

Would require proposed increases in ad valorem taxes and certain fees and the levy of new ad valorem taxes or fees by special purpose governmental entities to be submitted to the legislative body of the county or city in which the special purpose governmental entity is located for review.

SB 33 (Schickel)(S. Judiciary)

Would eliminate protections against employment discrimination against smokers.

SB 37 (S. State Local Govt)

Would make water fluoridation programs administered by the Cabinet for Health and Family Services optional and allow local government entities and special districts to void implementation of the programs by legislative action.

SB 38 (Meredith)(S. State Local Govt)

Proposed constitutional amendment would increase the term for a Senator from four to six years and for a Representative from two to four years beginning with the regular election in November 2020.

SB 44 (Neal)(S. Judiciary)

Would create a new criminal offense of a hate crime.

SB 48 (Thomas)(S. State Local Govt)

Proposed constitutional amendment to allow sixteen- and seventeen-year-old United States citizens to vote in school board and local elections.

SB 57 (Higdon)(S. Judiciary)

Would allow discretionary expungement of Class D felonies with a ten-year waiting period.

SB 60 (McDaniel, Thayer, Wilson)(S. State Local Govt)

Would change the filing deadline for certain candidates for election from the last Tuesday in January to the first Friday following the first Monday in January; and change the deadline for filing a statement-of-candidacy form from April 1 to the first Friday following the first Monday in January.

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

Proposed constitutional amendment would allow an employee of any county, city, town, or other municipality to be a state officer, deputy officer, or member of the General Assembly.

SB 75 (Meredith)(S. State Local Govt)

Proposed constitutional amendment would abolish the Office of the Lieutenant Governor, to establish the President of the Senate as the first in line for gubernatorial succession, and to establish the Speaker of the House as the second in line for gubernatorial succession beginning in November 2023; expand the

Chief Justice of the Supreme Court's constitutional obligations to preside over gubernatorial impeachment proceedings; eliminate the Attorney General and the Auditor of Public Accounts constitutional duties regarding gubernatorial line of succession.

SB 80 (Seum)(S. H&W)

Would legalize possession, growth, use, processing, purchasing, transfer, and consumption of cannabis, and provide for regulation.

SB 82 (Higdon)(Introduced)

Would decriminalize possession of a 1 ounce or less of marijuana for personal use, making it a prepayable non-criminal fine.

SB 90 (Neal)(Introduced)

Proposed constitutional amendment would allow persons convicted of a felony, other than sex offenses, violent offenses, or crimes against children, the right to vote.

SB 91 (Neal)(Introduced)

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

SB 93 (McGarvey)(Introduced)

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

Senate Resolutions

SR 2 (Stivers)

Rules of Procedure for Senate during 2019 Regular Session.