

Legislative Update

General Assembly 2020, Week #1



2020 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 supporting, opposing, and tracking during the 2020 General Assembly Regular Session. This year is a "long" session, and began on January 7, 2018, 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.

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 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 44 (Gooch and Bowling)(H. NR Energy)(-)

Would amend KRS 511.100 to include gas and oil pipelines as "key infrastructure assets" and make tampering with, impeding, or inhibiting operations of a key infrastructure asset criminal mischief in the first degree; and would allow a civil action against a person that compensates or remunerates a compensated person to commit criminal mischief. As drafted, the bill is overbroad both in defining criminal conduct and in imposing derivative liability on an employer for acts beyond the scope of employment. There is no need for the statute, since criminal and civil remedies already exist for trespass and property damage.

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

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

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.

House Resolutions

HJR 8 (Huff and others)(H. NR Energy)(+/-)

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.

Senate Bills

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

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 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.

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

Would amend KRS 61.878 to delete incidental or residual waste facilities from the exclusion in the description of waste management facilities which would allow fiscal courts to impose license fees on residual landfills and assess increased fees for accepting wastes outside of the waste planning area.

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 recover 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 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.

BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN NO 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 9 (Scott and others) (H. Ed)

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

HB 15 (Huff)(H. Judiciary)

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

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

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

HB 22 (Riley and others)(H. 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)(H. State 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. A&R)

Would extend tobacco tax to include vaping products.

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 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)

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 59 (Reed, Rowland)(H. Ag)

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

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.

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)

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 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 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 119 (Brown and others)(H. Elections)

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

HB 123 (Cantrell)(H. Eco Dev)

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

HB 125 (Hatton)(H. Eco Dev)

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.

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)(H. H&FS)

Would revise funding formula and mandates to local health departments.

HB 133 (Kulkarni)(H. Judiciary)

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.

HB 136 (Nemes and numerous others)

Would legalize medical marijuana.

HB 143 (Tipton and others)(H. State Govt)

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 168 (Moser and Flood)(H. State Govt)

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 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)(H. 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 195 (J. Miller)(H. Local Govt)

Would allow local governments to post rather than publish legal notices.

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

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)

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

HB 224 (Marzian)

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

HB 225 (Marzian and others)

Would prohibit discrimination because of sexual orientation and gender identity.

HB 227 (Yates)

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

HB 230 (Meeks)

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)

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

HB 232 (Sorolis)

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)

Would require hospitals that provide inpatient or residential care to offer patients a plant-based food option for every meal or snack, at the request of a patient or patient's lawful representative.

HB 236 (Koch, Heath)

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

HB 237 (McCoy)

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

HB 239 (Hatton and numerous others)

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.

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)(H. H&FS)

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

HJR 8 (Huff and others)(H. NR Energy)

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.

HR 37 (Tipton and Graviss)

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

Senate Bills

SB 1 (D. Carroll and others)(S. Judiciary)

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)

Voter Identification bill.

SB 3 (McDaniel and others)(S State Local Govt)

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)(S. Transp)

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)(S. State Local Govt)

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)(S. L&O)

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

SB 13 (Thomas)(S A&R)

Would gradually increase minimum wage for hourly and tipped workers.

SB 15 (Westerfield and others)

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

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 21 (Embry)(S. Ag)

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

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 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 56 (Alvarado)(S. H&W)

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

SB 58 (McDaniel)(S. State Local Govt)

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 62 (Higdon)(S. State Local Govt)

Proposed 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.

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 78 (Meredith, Adams, D. Carroll)

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

SR 2 (Stivers) (adopted)

Rules governing 2020 Senate in Regular Session.

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.