

Legislative Update

2021 General Assembly: Fifth Edition



2021 General Assembly In Regular Session Bills We're Watching: The Fifth Edition

This list profiles the environmental, conservation, consumer, and general government bills that the Kentucky Resources Council is supporting, opposing, and tracking during the 2021 General Assembly Regular Session. This year is a “short” session, and began on January 5, 2020, and on January 13, the General Assembly recessed until February 2, when the session reconvened with a scheduled adjournment of March 30. Beginning March 17 there is a “veto break” and they will reconvene on March 29 and 30th 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!)

SO, WHAT'S WITH ALL THE “GENDER-NEUTRAL” BILLS?

As the General Assembly nears the cut-off for filing of new bills, a number of bills are filed either to make language in a statute “gender neutral,” or making simple language changes in a statute. These bills are “mules,” intended to provide the shell of a bill; a vehicle into which entirely new text, and title amendments, can be added as needed.

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 2021 Session page at <https://apps.legislature.ky.gov/record/21rs/record.html>.

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. 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. If there is no indication of assignment to a committee, the bill has not yet been assigned and remains in the Committee on Committees, where introduced bills and resolutions are initially sent.

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 Protection 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. 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 and Occupations 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
S. A&R = Senate Appropriations and Revenue Committee

BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN A POSITION

House Bills

HB 1 (Rowland and others)(Vetoed, Veto overridden, Became Law)(-)

HB 1 attempts to provide a path for reopening businesses and schools by requiring that they adopt a plan consistent with CDC guidelines, but lacks the detail and accountability necessary to assure that such plans are consistent with the guidelines and are sufficient to protect the public. The bill creates a risk that the public will be placed at greater risk, and that businesses may be placed at significant financial liability, because the bill lacks any language directing how such plans are to be developed, and lacks any review by any agency of the sufficiency of such plans.

The CDC guidelines provide recommendations but are not cookie-cutter bright line standards. Rather, the guidelines are intended to supplement, rather than replace, local and state standards, and require consultation with local and state health officials to develop local strategies and may change depending on local conditions. Requiring a “reopening” plan, but having no review or approval of the plan as being sufficient, and allowing trade associations and chambers of commerce to develop such plans for businesses, does not provide adequate assurance that the plans will be protective, or will maintain consistency as CDC guidelines evolve and change.

Also, there is a fundamental constitutional problem with the General Assembly delegating to a federal agency’s guidelines, since that open-ended deferral to those guidelines violates the non-delegation doctrine.

HB 3 (Massey) (Vetoed, veto overridden, became law) (-)

Original bill would have created a new judicial process for hearing constitutional cases, removing those cases from the Franklin Circuit Court and placing it in a 3-judge panel. The bill likely violates several provisions of the Kentucky Constitution, including Sections 59, 112, 110(2)(a), 110(5)(b) and 116. See KRC's testimony to Senate Judiciary on the original bill.

The Senate Committee Substitute to HB 3 replaced the initial bill, and moved the venue for complaints alleging a statute, Executive Order, or agency order to be unconstitutional would, notwithstanding any other statute, be filed in the Judicial District where the Plaintiff resides. An effort to move those cases from Franklin Circuit Court, the bill is special legislation that presents a solution to a non-existent problem.

Based on KRC's review of notices required to be filed with the Attorney General where cases raise such constitutional challenges, in the first 9 months of 2020, 261 cases were filed in state and federal court and before the Board of Worker's Claims, alleging Kentucky statutes to be unconstitutional. Only 11 of those constitutional challenges were cases against state officials or agencies, and only 2 of those were filed in Franklin Circuit Court. KRC provided an analysis of those cases and testified against the Senate Committee Substitute. The bill will almost certainly be challenged in the courts.

Perhaps most troubling about this bill is that the House and Senate acted in contravention of the facts, which are that nothing in current law requires that such constitutional challenges be filed in Franklin Circuit Court, and despite the data, approved a solution in search of a problem.

HB 4 (Osborne and others) (S. Rules)(+/-)

Proposed constitutional amendment would eliminate the existing dates by which the General Assembly must adjourn in any regular session; provide that the General Assembly may extend the length of its legislative sessions by 10 days upon the vote of 3/5 of the membership of each House, with no session to extend

beyond December 31. KRC believes that while there is some merit to the idea of allowing the legislature to meet at set times throughout the year rather than in the current 30 or 60-calendar day session, further extension of legislative sessions is unnecessary and that allowing the legislative branch to meet at will and random throughout the year for up to 40 days in short sessions and 70 in long sessions could adversely affect the ability of many who could serve in a part-time legislature during a compact and defined period of time, from serving in future years.

KRC has suggested that in “short” session years, there be 3 set periods during the year followed by one veto day 11 days after the end of that period.

HB 6 (Bechler and others)(To Governor)(-)

Would amend KRS 6.900 to change the name of the Legislative Program Review and Investigations Committee to the Legislative Oversight and Investigations Committee and to expand the powers of the committee to include investigation of private individuals and entities “doing business” with governmental agencies or state employees. “Doing business” is not defined in the bill. KRC has written to the sponsor to suggest that “doing business” be defined in a manner so as not to chill protected speech that is not regarding financial matters.

HB 10 (Sheldon and others)(s. Eco Dev)(-)

Would provide a defense to civil liability to a person who acts in good faith while operating a business during a state of emergency for ordinary negligence for a personal injury resulting from alleged or actual exposure to COVID-19 provided the person acts as an ordinary, reasonable, and prudent person would act under similar circumstances; and would provide that a public school official's decision to open or close a school is discretionary for purposes of determining qualified immunity.

The bill has significant problems, both in terms of constitutionality of attempting to alter standards for actions alleging negligence (though the bill fails to provide that protection while purporting to do so) and in referencing the CDC guidelines as determining what is the appropriate standard of care. Those guidelines are not hard and fast, but instead are to be modified at the local level in consultation with state and local health officials and current conditions. Coupled with House Bill 1, which purports to allow businesses and schools to reopen if they have a plan meeting CDC guidelines, but requires no review or approval of those plans, KRC is concerned both that the public will be placed at greater risk as businesses reopen, and that small businesses that think they are protected from liability because they have adopted a plan, may not be since the plans will neither be reviewed nor approved.

HB 47 (Bentley)(S. NR Energy)(-)

Would allow expansion of a one-acre off-site construction and demolition debris landfill to be doubled in size provided it meets the permitting requirements for the initial landfill. The current distinction between one acre and greater-than-one-acre CD&D landfills is arbitrary, with the smaller landfills allowed to be operated without the sort of protections such as leachate collection systems and surface and groundwater monitoring, that are required for larger landfills disposing of the same types of waste. Expanding this arbitrary distinction allows undermanagement of CD&D wastes in two-acre sites rather than the current one-acre sites.

HB 107 (Raymond)(+)

Proposed constitutional amendment would recognize a right of the people to have a clean and healthy environment with the preservation of the natural, scenic and cultural values of the environment, and for the Commonwealth to serve as the trustee for the conservation and maintenance of the environment and its natural resources for the benefit of all people.

HB 127 (Hatton and Raymond)(+)

Would require the Public Service Commission to consider rate affordability when determining fair, just and reasonable utility rates, allow the Public Service Commission to review the affordability of a utility's rate if the utility has not requested a rate adjustment in five years; and allow the commission to order a rate increase to prevent significant increases in a single period; require fair, just and reasonable rates to balance the interests of the utility, its investors, and the ratepayer.

HB 129 (Hatton)(+)

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

HB 132 (Kulkarni)(+)

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; allow for an immediate appeal as a matter of right; allow for costs to be awarded to moving party if dismissal is granted; and allow for costs to be awarded to responding party if the motion was found to be frivolous or filed with the intent to delay.

HB 137 (Hatton)(+)

Bill links mine licensing for coal mines with miner wage performance bonding requirements.

HB 142 (Bridges and Banta)(+)

Would establish the nonrefundable Kentucky affordable housing credit for taxable years or periods beginning on or after January 1, 2024, for a period of five years; allow the credit to be applied to the income and insurance taxes.

HB 144 (Fischer)(-)

Would require legislative ratification of any administrative regulation having a major economic impact and require that administrative regulations analyze costs for both governmental agencies and regulated entities; and prohibit the Governor or executive agency from issuing an emergency administrative regulation and to terminate all existing emergency regulations.

Selective consideration of economic impacts without consideration of benefits skews the analysis of regulations. Additionally, some 99% of state regulations are adopted in response to federal regulations that we adopt in order to maintain delegated program, so that the bill is duplicative of economic analyses that have already been conducted at the federal law, and provides no information that would inform a decision to adopt the regulation or not.

HB 159 (Hart)(-)

Would allow local government entities and special districts to void implementation of the water fluoridation programs administered by the Cabinet for Health and Family Services by legislative action. Fluoridation is recognized as among the most effective public health initiatives.

HB 198 (Branscum)(+)

Would extend the deadline for registering underground petroleum storage tanks from 2021 to 2025.

HB 207 (Gooch)(S. NR Energy)(-)

Is intended to preclude local governments from enacting ordinances to limit or prohibit new construction using natural gas for heating and electrification, by prohibiting local ordinances that restrict or limit access to regulate utility services.

Many local governments across the country have used these strategies to help achieve greenhouse gas reduction goals. House Floor Amendment narrowed the overbroad scope of the initial bill.

HB 236 (McPherson and Heath)(S. Ag)(+)

Comprehensive reform repeals and reenacts pesticide and fertilizer statutes, in an attempt to standardize regulation and licensing of pesticide companies and applicators.

In the 2020 session, the bill repealed the current statutes establishing the lawn care application notice program, with an intent to recodify those statutes into regulation. KRC expressed concern that removing those laws might be construed as the legislature expressing an intent to eliminate the notification requirements entirely. KRC drafted a floor amendment to specifically authorize and require the Department of Agriculture to develop a program for regulation and notification of lawn care application and mosquito control. HB 236 incorporates that language and directs the Department to develop a regulatory program for regulating notification and application of pesticides for lawn care and mosquito control.

KRC appreciates the Department of Agriculture including that language.

HB 260 (Marzian)(+)

Would prohibit the intentional release of more than 25 plastic balloons; ban plastic, single-use carryout bags by July 1, 2026; and ban the provision of single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments by July 1, 2024.

HB 272 (Bray and others)(H. Rules)(-)

House Bill 272 would allow a water district or water association to impose a 10% late fee on a customer who fails to pay a water or sewer bill and would prevent the Public Service Commission from suspending or disallowing such a fee.

A number of utilities have late fees, and currently, the Public Service Commission can allow, suspend, or disallow such a late charge proposed by any utility. This bill eliminates that discretion regarding water districts and water associations and requires the Commission to approve the late fee if it is in the tariff. It also prevents the Commission from requiring the water district or water association to justify that the late fee is required to cover specific customer costs that would otherwise result in a monetary loss to the utility or increased rates for other customers.

The Kentucky Resources Council opposes the bill, for these reasons:

* Late fees have little effect the timeliness of residential utility payments. On March 16, 2020, in Case No. 2020-085, the PSC suspended late fees and disconnections for nonpayment. The PSC reviewed residential customer payments during the first six months of that year and concluded based on the evidence that “the evidence indicates that late fees have little discernible effect on the timeliness of residential customer payments for utility service.” On-time payment rates changed little, and in some cases increased compared to pre-COVID, even though the utilities were barred from assessing late fees or disconnection for nonpayment.

* The proposed 10% late fee bears no relationship to the amount of the past due bill or the loss value of the funds that are paid late and is instead punitive and arbitrary. By contrast, the IRS charges only 3% + prime for late fees.

* The imposition of late fees will further reduce available low-income assistance funds and makes absolutely no sense in the context of low-income customers. Under the crisis component of the LIHEAP program, utility bill help is unavailable until the customer is late in paying bills or has received a disconnect

notice for nonpayment. Congress has recently appropriated \$638 million to provide low-income water bill assistance and has directed the states to implement the assistance similarly to LIHEAP. Imposing a late fee on a customer who, by definition, can't pay the underlying bill without assistance, and can't get that assistance until he or she is late, won't change the customer's payment habits (because they have to be late to receive the assistance) and does nothing other than drain an additional 10% per bill per client served by the low-income assistance provider, resulting in fewer people served in a program already underfunded.

HB 281 (Donohue)(+)

Would establish a refundable income tax credit for the costs of mitigating noise from a commercial airport for taxable years beginning on or after January 1, 2021, but before January 1, 2025.

HB 282 (Tackett Laferty)(+)

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 302 (Meade)(H. Local Govt)(needs work)(posted)

Would allow a homeowner located in a county served by a sanitation district that has an on-site sewage disposal system approved by the local board of health to refuse sanitary sewer service and not be charged by the district or denied drinking water service. KRC has written to the sponsor suggesting language in order to require an inspection of the on-site system to ensure that it's not causing a problem currently, and to exclude cities from the bill.

HB 303 (Santoro)(To Senate)(+)

Would amend laws regarding underground facility protection.

HB 312 (Rowland)(To Senate)(-)

A classic example of a mule bill bait and switch, this bill started as one correcting a “gender” issue by including “or she” after “he” in a statute dealing with financial institutions, but was amended in a House Committee and sent to the floor the next morning (today) as a bill that significantly weakens transparency in government matters relating to public access to open records. KRC stands with the Kentucky Open Government Coalition’s Amye Bensenhaver, former Attorney General office employee and expert on Kentucky Open Records Act issues, in opposing the bill’s narrowing of access to public records.

HB 328 (Johnson)(S. Transp)(+)

Would amend billboard laws in order to address an issue regarding the on-site and off-site distinction that resulted in a judicial decision voiding the entire Billboard Act. Would repeal and reenact laws in order to restore effective control over spacing of billboards.

HB 358 (Cantrell)(+)

Would allow local governments to pass an ordinance setting employees' minimum wages at a rate higher than that found in KRS 337.275 for employers located within that government's jurisdiction.

HB 371 (Willner, Banta)(+)

Would require the Kentucky Board of Education to promulgate administrative regulations ensuring exceptional children have equal access to full range of programs offered by schools, state agencies, or political subdivisions of the state.

HB 378 (Koenig)(+)

Would allow only members of the House of Representatives to file a written petition to impeach an officer and require the petition seeking impeachment of an officer to be signed by at least two members of the House of Representatives.

HB 386 (Freeland, DuPlessis)(S. NR Energy)(-)

Would weaken Kentucky Water Quality Standards implementation by interfering with the Cabinet's exercise of best professional judgment regarding whether to grant a "mixing zone" for bioaccumulative chemicals of concern, by mandating that any elimination of a mixing zone for a bioaccumulative chemical of concern be done by regulation rather than permit-by-permit. Kentucky has banned such mixing zones since 2004, which allow the use of public waters to dilute toxins that by definition accumulate rather than disperse in the aquatic environment.

HB 387 (Tipton)(+)

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

HB 391 (Flannery)(+)

Would allow indigent persons entitled to legal representation to be represented by counsel at the earliest stages of their involvement in the criminal justice system.

HB 392 (Gooch)(H. Rules)(+)

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), which is 130%. KRC appreciates the Chairman sponsoring this bill.

HB 393 (Gooch)(H. Rules)(+)

Would allow the Public Service Commission to grant reasonable extensions of time not to exceed six months for water district commissioners to complete their training requirements.

HB 410 (Stevenson)(H. Elections)(+)

Would allow a person who is homeless and lacks an established and fixed nighttime residence of regular return an option to choose a non-traditional place of residence for purposes of voting.

HB 411 (Stevenson)(+)

Proposed constitutional amendment to allow any person who requests to vote early be permitted to vote without a prescribed excuse.

HB 437 (Massey)(H. Judiciary)(-)

Proposed constitutional amendment would provide for election of Justices of the Supreme Court and judges of the Court of Appeals on a partisan rather than a nonpartisan basis.

HB 452 (Rabourn and others)(-)

Would require school districts to reopen when 80% of certified personnel and 80% of classified personnel are vaccinated for COVID-19 and prohibit mask wearing requirements in the Commonwealth related to COVID-19 once 70% of the adult population is vaccinated.

Decisions regarding school reopening and mask wearing should be determined by qualified health professionals, not politicians.

HB 457 (Brown)(+)

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, at no additional cost to the patient.

HB 474 (Dossett)(H. Elections)(posted)(-)

Proposed constitutional amendment to allow election of judges on a partisan rather than a nonpartisan basis.

HB 489 (Nemes)(+)

Would expand the voluntary environmental remediation tax credit for taxable years beginning on or after January 1, 2021 up to January 1, 2025, and to allow a refundable credit for these taxable years.

HB 512 (Johnson)(+)

Would require a planning commission to notify operators of natural gas transmission pipelines before a new subdivision plat is approved or any construction documents for a building are approved to be located within 1,000 feet from the center of a natural gas transmission pipelines, and require communication between operator and developer.

HB 517 (Massey)(H. Elections)(-)

Companion bill to proposed constitutional amendment to allow partisan election of Judges of the Court of Appeals and Justices of the Supreme Court.

HB 523 (Flannery)(+)

Would require the Tourism, Arts and Heritage Cabinet to consult with state agencies and transmit a report relating to a comprehensive statewide trail program.

HB 535 (Santoro)(H. Rules)(+)

Would amend existing law to provide definitions and mechanisms for mitigation of unavoidable impacts on wetlands and streams under the Section 404 program of the Clean Water Act, allowing competitive bids for private “fee in lieu” projects. Bill is intended to speed the expenditure of accrued funds creating mitigation projects for losses of Waters of the United States approved under the Clean Water Act Section 404 program.

HB 536 (Fischer)(-)

Would provide that candidates for Justice of the Supreme Court and Judge of the Court of Appeals be nominated in a partisan primary and provide that candidates for Justice of the Supreme Court and Judge of the Court of the Appeals shall be elected in a regular election on a nonpartisan ballot.

HB 541 (Prunty)(+)

Would allow an income tax credit for qualified home modification expenses incurred by an individual to make the home accessible, equal to the actual cost of the home modifications, up to \$7,500 per taxpayer per year.

HB 544 (Gooch)(+)

Would require the Department for Facilities and Support Services to place a statue of United States Navy diver and Kentucky native Carl Brashear in the Capitol Rotunda.

HB 545 (Gooch)(+)

Would that members of Kentucky State Board on Electric Generation and Transmission Siting shall only be reimbursed for actual travel and expenses directly related to service on the board.

HB 553 (Massey)(H. Judiciary)(+)

Would establish a False Claims Act with provisions that establish enhanced civil liability and penalties for committing fraud against the state; and establish *qui tam* actions to allow the Attorney General or a private citizen to bring a cause of action on behalf of the state to recover damages with a portion of any proceeds awarded being distributed to the person successfully bringing the action.

HB 559 (Kulkarni)(+)

Would require the Energy and Environment Cabinet to promulgate administrative regulations establishing maximum PFAS chemical limits and monitoring requirements for drinking water provided by public and semi-public water systems and for discharges into the waters of the Commonwealth and prohibit the use of personal protection equipment for firefighting or firefighting training that contains intentionally added PFAS chemicals.

HB 560 (Kulkarni)(+)

Would establish a Healthy Soils Program and a Healthy Soils Program fund in the Department for Natural Resources, Division of Conservation to provide financial assistance under the Healthy Soils Program.

HB 561 (Santoro and Bentley)(H. A&R)(-)

Comprehensive reform to manner in which road fund is funded. Would set single excise tax on gasoline and special fuels; set initial base rate at 34 cents per gallon; establish a base highway user fee for nonhybrid electric vehicles of \$150; establish an annual highway preservation fee of \$35-\$40 on noncommercial vehicles with a fuel efficiency of 30 MPG or greater, based on the EPA mileage rating of the make model and year of the vehicle; require collection of both fees at the time of registration; require that both fees be transferred to the road fund; amend KRS 186.010 to define "nonhybrid electric vehicle"; increase the fee for a driving history record from \$3 to \$6; eliminate the requirement to present a vehicle's registration receipt when renewing the vehicle registration and allow mail or online registration renewal with no additional fee; eliminate the \$30 county clerk fee for motor carrier registrations on vehicles in excess of 44,000 pounds; increase the county clerk fee for motor vehicle registrations from \$6 to \$8; increase to state fee for motor vehicle registrations from \$11.50 to \$22; require payment of the highway user fees for electric vehicles and the highway preservation fees at the time of registration or renewal; provide for a \$10 late charge for vehicle registrations not renewed within 30 days of expiration; make technical correction; amend KRS 186.162, 186.180, and 186.240 to conform; set reinstatement fee for a suspended operator's license at \$100 and provide for distribution of funds; increase reinstatement fees for suspended CDLs from \$50 to \$100; amend KRS 186A.130 and 186A.245 to set the fee for an initial title at \$25, and make other changes.

HB 574 (Decker and others)(To Senate)(+)

Comprehensive election reform addressing ballots and voting and providing for early voting.

HB 582 (Baker)(H. State Govt)(posted)(-)

Would waive the sovereign immunity of the Commonwealth in claims seeking equitable relief relating to the government substantially burdening a person's freedom of religion; require court to award reasonable attorney fees and costs and \$10 a day in damages for violations.

HB 587 (Fleming and others)(H. A&R)(+)

Would require pledged revenues to the West End Opportunity Partnership from a consolidated local government and the Commonwealth.

HB 588 (Fleming and others)(H. A&R)(+)

Would establish the West End Opportunity Partnership.

HB 589 (Osborne)(+)

Would clarify how refunds are calculated online extensions and delete imprecise language.

HB 595 (Kulkarni)(+)

Would repeal and reenact and create new sections of KRS Chapter 383 to enact the Uniform Residential Landlord and Tenant Act and apply it across the Commonwealth.

House Resolutions

HJR 11 (Osborne)(+)

Joint resolution would direct the Energy and Environment Cabinet to study the economic impact and feasibility of adopting an electronic waste disposal program in Kentucky.

HJR 27 (Lockett and others)(-)

Joint resolution to apply to Congress under Article V of the Constitution of the United States for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that limit the terms of office for its officials and for members of Congress. Constitutional scholars have observed that such a constitutional convention cannot be so limited.

HJR 34 (Riley, Bojanowski)(H. Health & FS)(+)(posted)

Joint resolution directing the Cabinet for Health and Family Services to study alternatives to institutionalized care for individuals with intellectual or developmental disabilities and complex medical needs.

HR 41 (Fister)(Adopted)(+)

Resolution would condemn anti-Semitism in the Commonwealth.

HJR 54 (T. Huff)(-)

Would direct the Governor of Kentucky to revoke the mask mandate originally issued July 9, 2020, under Executive Order 2020-586 and renewed periodically since that time. Such decisions should be made in consultation with public health professionals, not by legislative fiat.

HR 58 (Meade)(+)

Simple resolution designating the second Monday in October as "Indigenous Peoples' Day" to celebrate and honor indigenous peoples and their shared history and culture.

HJR 60 (Bowling)(+)

A joint resolution that would direct the Department of Revenue and the University of Kentucky's Forestry and Natural Resources Department to recommend equitable property tax assessment procedures for well-managed forests. The Kentucky Woodland Owners Association, who are a trusted ally of KRC working to advance the sustainability of non-commercial forests and the fair tax treatment of non-commercial woodland owners, support this resolution.

HCR 61 (Wheatley)(+)

Concurrent resolution would encourage the Kentucky General Assembly to take steps to allow public input and hold public hearings during the redistricting process.

Senate Bills

SB 8 (Wilson and others)(H. Health & FS)(-)

Would provide exemptions from mandatory immunization during an epidemic for any adult who submits a written sworn statement objecting to the immunization based on conscientiously held beliefs, a term that is undefined. No matter how outlandish the belief, a person could be exempted from a mandatory health order to receive a vaccination.

SB 14 (Girdler, Hornback)(S. Eco Dev)(+)

Would amend and strengthen laws regarding underground facility protection.

SB 17 (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 22 (McDaniel)(S. Veterans)(+)

Would require the Department for Facilities and Support Services within the Finance and Administration Cabinet to relocate the Jefferson Davis statue from the Capitol Rotunda to either the Thomas D. Clark Center for Kentucky History or the Jefferson Davis Historic Site; and require the Department for Facilities and Support Services to place a statue of United States Navy diver and Kentucky native Carl Brashear in the Capitol Rotunda.

SB 33 (Carroll)(+)

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 34 (Carroll)(+)

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

SB 58 (Harper Angel)(+)

Would prohibit the intentional release of more than 25 plastic balloons; establish a ban on plastic, single-use carryout bags by July 1, 2026; establish a ban the provision of single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments by July 1, 2024.

SB 86 (Wheeler)(To House)(+)

Would designate 100 percent of a new open dumping fine to 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; and direct penalties from littering to counties where the offense occurred.

SB 100 (Stivers, Neal)(+)

Would establish the West End Opportunity Partnership, its powers and duties and purpose.

SB 109 (West)(-)

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

SB 118 (Embry)(S. NR Energy)(+)

Would limit the exemption for residual landfills from county solid waste planning requirements, to landfills located within the same county as the business or industry that generated the waste. The effect would be to allow counties to decide whether and how much residual waste would be able to be landfilled in their county at a stand-alone landfill.

SB 125 (Stivers, Neal)(S. A&R)(+)

Would create funding sources for West End Opportunity Partnership.

SB 137 (Neal)(+)

Proposed Constitutional Amendment would allow persons convicted of a felony, other than serious felonies designated by the General Assembly, the right to vote, and to further amend the constitution by replacing the language that prohibits idiots and insane persons from voting with contemporary language.

SB 155 (Neal)(+)

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

SB 158 (Southworth)(S. H&W)(-)

Would prohibit requiring of facial coverings during emergencies related to viruses or diseases.

With all due respect, the General Assembly should be working to increase public safety and to address the economic crises induced by COVID rather than second-guessing health officials under the misguided banner of “personal freedom.”

SB 160 (Thomas)(+)

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.

SB 179 (Southworth and others)(S. NR Energy)(+)

Would amend the statutes authorizing the Kentucky River Authority to expressly include consideration of both the mainstem and tributaries and expanding the membership to include members from tributary areas as well as the mainstem.

SB 181 (Givens)(S. Rules)(-)

Proposed constitutional amendment would grant the House and Senate the authority to call themselves into session for up to 12 days between current annual sessions, with no limit on the number of 12-day sessions that could be called. This is in addition to the power of the Governor to call an extraordinary session if one is needed.

KRC does not believe that a full-time legislature is in the best interests of governance in Kentucky. This amendment would incrementally move the Commonwealth towards that end, making it much more difficult for many individuals to participate in governance unless their sole profession is full-time politician.

SB 188 (Hornback)(S. NR Energy)(+)

Would amend boating safety laws to phase in a requirement for a Kentucky safe boating certification card or equivalent documentation from another state or the federal government when they are operating a personal watercraft or motorboat of any horsepower as proof that they have completed a boater safety course; and allow for both monetary and imprisonment penalties to apply for offenses relating to reckless or negligent boating or boating under the influence.

SB 204 (Higdon)(-)

Would limit Transportation Cabinet regulation of vehicle recyclers to national highway roads, excluding county and state roads.

SB 213 (Southworth and others)(-)

Would invalidate Governor's Executive Order 2020-0215 on COVID-19.

SB 224 (Schickel)(+)

Would allow a jury to recommend that a Class D felony be designated and sentenced as a Class A misdemeanor if the jury finds that a felony conviction would be unduly harsh; and allow a jury to decide whether a person found to be a persistent felony offender should be sentenced to an increased term of imprisonment, rather than imposing automatic increases in sentencing.

SB 242 (Southworth)(S. Ag)(+)

Would 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.

SB 245 (McGarvey)(S. Judiciary)(+)

Would allow a consolidated local government to establish a citizen review board independent of the police department, and an investigatory office led by an appointee of the mayor for review of police department policies, procedures, and operations. Arguably special legislation since it applies only to consolidated local governments. Also, SB 247.

SB 261 (Higdon)(S. NR Energy)(+)

Would amend existing law to provide definitions and mechanisms for mitigation of unavoidable impacts on wetlands and streams under the Section 404 program of the Clean Water Act.

SB 266 (West)(-)

Would allow cities and counties to prohibit the construction of photovoltaic power stations on agricultural lands; prohibit the transfer of development rights if the transfer would allow for the construction of a photovoltaic power station on

agricultural lands; would prohibit utilities regulated by the Kentucky Public Service Commission to site a photovoltaic power stations on agricultural lands; would prohibit lands within an agricultural district to be used to site a photovoltaic power station; and prohibit the PACE board from approving any plan for siting a photovoltaic power station on PACE lands under the PACE program and clarify that small solar arrays for exclusive on-farm usage are exempted; amend KRS 278.704 to require a merchant electric generating facility to conform with all local planning and zoning requirements and prohibit the construction of a merchant generating plant that uses a photovoltaic power station on agricultural lands; amend KRS 278.706 to include in the application for siting a merchant generating plant a statement certifying that the plant is in compliance with all local ordinances and regulations including prohibiting the siting of a photovoltaic power station on agricultural lands; and include restrictions on siting on agricultural lands in the site assessment report for the Electric Generation and Transmission Siting Board.

Conflict between the siting of utility-scale solar facilities and the goals of protection of prime and other farmlands, is not unique to Kentucky. KRC will be talking with the sponsor regarding revisions to the bill that would retain local control over whether counties with or without siting could allow construction of solar arrays on farmland, and if so, under what conditions.

SB 269 (McGarvey and others)(S. Judiciary)(+)

Would amend Kentucky's civil rights laws to prohibit discrimination because of sexual orientation and gender identity.

SB 271 (McGarvey)(+)

Would revise election laws to provide for the curing of certain mail-in absentee ballot deficiencies, allow for the combining of precincts into centralized voting locations with requirements prescribed, establish an online portal to receive applications for mail-in absentee ballots; add desire of voter as basis to request

mail-in absentee ballot; establish in-person early voting, including two Saturdays; allow the use of a secure ballot drop box as an option for return of a mail-in absentee ballot; establish requirements for drop box use and extend poll hours on election day to 8 p.m. prevailing time.

SB 283 (Neal, McGarvey)(S. Judiciary)(+)

Would limit circumstances in which a warrant may be issued authorizing entry without notice; require creation of a warrant application form, require use of body-worn cameras by law enforcement officers serving warrants; training courses and courses in serving warrants safely for students attending law enforcement basic training; and propose other reforms.

Senate Resolutions

SR 19 (McGarvey)(Adopted)(+)

Simple resolution honoring Cathy Hinko on the occasion of her retirement as Director of the Metropolitan Housing Coalition.

SJR 56 (Mills and others)(-)

Would apply to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraint on the federal government.

Constitutional scholars generally agree that such a call cannot be limited as proposed here, and the prospect of a “runaway” constitutional convention is quite possible.

SR 63 (Smith and others)(-)

A simple resolution urging President Biden to rescind the Executive Order which revoked the permits for the Keystone XL Pipeline Project.

SCR 64 (Webb, Wheeler)

Concurrent resolution would reestablish the Public Water and Wastewater System Infrastructure Task Force.

SR 67 (Alvarado)(+)

Simple resolution condemning anti-Semitism in the Commonwealth.

SR 72 (Girdler)(S. Veterans)(+)

Simple resolution designating the second Monday in October as "Indigenous Peoples' Day" to celebrate and honor indigenous peoples and their shared history and culture.

BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN NO POSITION

House Bills

HB 13 (Bechler)

Would limit the governor's emergency orders to 28 days unless approved by the General Assembly; and limit the local chief executive's emergency orders to 28 days unless approved by the local government legislative body.

HB 15 (Maddox and others)

Another COVID-19 bill would define "emergency order", set parameters for the issuance of an emergency order, and provide for legal action to enforce the parameters, and require legislative approval to extend a state or local

government emergency order beyond 14 days. Would also prohibit the suspension of any laws, and specify that no governmental entity may prohibit or severely limit in-person worship, and curtail actions taken by the Cabinet for Health and Family Services in the event of infectious or contagious disease to 21 days unless extended or changed by the General Assembly.

HB 21 (Scott and others)(H. Judiciary)

Would eliminate no-knock search warrants, require officers to activate body-worn cameras when serving a warrant; and expand scope of permissible suits against state and local governments and limit defenses. Bill would be known as "Breonna's Law."

HB 22 (Raymond and Westrom)

Would include "personal use services," including childcare and elder care, as an allowable campaign expenditure.

HB 23 (Wheatley and Scott)

Would create an Advisory Redistricting Commission to draft redistricting plans for legislative and congressional districts and require the General Assembly to consider the commission's plans; allow the General Assembly to enact or reject the plans of the commission by a date certain or to return to the commission for adjustment.

HB 26 (Thomas and numerous others)

Would include violence against an animal when used as coercive conduct in the definition of "domestic violence and abuse" and allow a judge to award possession of a shared domestic animal to the petitioner.

HB 29 (Banta)

Proposed constitutional amendment establishing term limits for Senators to four terms of office, and members of the House of Representatives to six terms of office.

HB 30 (Dossett)

Would allow landlords or their agents to prosecute forcible detainer actions without a lawyer.

HB 32 (Stevenson and others)

Would require employers to provide earned paid sick leave.

HB 33 (Raymond and others)

Would require employers of more than 50 persons to provide 12 weeks of paid parental leave to employees of over 1 year.

HB 34 (Jenkins and others)

Would raise the state minimum wage for hourly and tipped employees, and allow local governments to establish minimum wage ordinances in excess of the state minimum wage.

HB 35 (Roberts and others)

Would make it a discriminatory employment action if an employer asks questions about previous salary or wages, relies on previous salary when setting a new salary, or refuses to hire if an applicant does not provide previous salary.

HB 36 (Maddox and others)

Would prohibit required immunization of any person by any state agency or instrumentality. Current law allows parents to opt children out of immunizations on religious grounds and if immunization would threaten the child's health. This bill recklessly interferes with the ability of school systems to require immunization in order to protect the health and safety of all school-age children attending public schools under the misguided banner of "bodily autonomy."

HB 40 (Donohue and others)

Would require any employer doing business in Kentucky that receives governmental incentives or subsidies to pay its employees a living wage.

HB 41 (Donohue and others)

Would eliminate restriction on the rights of public employees to organize, associate collectively, or strike; allow urban county and consolidated local governments and other public employers to make an agreement with a labor organization to require as a condition of employment membership therein.

HB 42 (Raymond and Stevenson)

Would allow employees of the Commonwealth of Kentucky a paid leave of absence of 12 weeks for the birth or adoption of a child.

HB 43 (Scott and others)

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

HB 45 (Roberts and others)

Would prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime.

HB 46 (Bridges)

Would establish safety standards for residential swimming pools.

HB 54 (Nemes and Raymond)

Would allow employees of the Commonwealth of Kentucky a paid leave of absence of 12 weeks for the birth or adoption of a child.

HB 55 (Gentry and others)

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

HB 56 (Wheatley)

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

HB 57 (Freeland and others)

Would amend current law to add specific acts to definition of torture of a cat or dog and make all violations a Class D felony unless there is no intent to cause, increase, or prolong the pain and suffering of the dog or cat.

HB 66 (Raymond)

Would amend existing law to add protections against discrimination based on weight.

HB 67 (Raymond)

Would make "necessary childcare expenses" an allowable campaign expenditure.

HB 70 (Burch and Raymond)

Would grant authority to District Court to issue search warrants to law enforcement officers to seize firearms without a warrant from persons believed to be dangerous due to untreated mental illness or documented evidence of a propensity for violence.

HB 71 (Wheatley and Roberts)

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

HB 72 (Roberts and others)

Would provide convenience of the voter as a basis for absentee voting.

HB 78 (Kulkarni and Raymond)

Would prohibit disqualification from benefits for workers unemployed as a result of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking.

HB 80 (Brown)

Would make it a crime to unlawfully store a firearm so as to recklessly allow access to an unsecured firearm by a minor.

HB 82 (Tipton)

Constitutional amendment would provide for the recall of all elected officials, except judges, by the voters.

HB 83 (Brown and Raymond)

Comprehensive reform bill on firearm safety and background checks.

HB 88 (Tackett Laferty)

Would establish the Kentucky State Park Centennial Commission, the Kentucky Semiquincentennial Commission, and the Old Fort Harrod Semiquincentennial Commission to coordinate celebrations.

HB 91 (Fischer and others)(To Senate)

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

HB 93 (Minter)

Would amend civil rights law to allow recovery of punitive damages.

HB 99 (Stevenson)

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 100 (Stevenson)

Would require peace officers and animal control officers to serve notice of seizure of an animal subjected to cruelty and allow petition to a court to order payment of animal care costs by owner.

HB 101 (Hart and Lockett)

Would prohibit a public or private postsecondary educational institution from requiring a student to receive any vaccination for disease unless the student is participating in an educational program that involves the delivery of health care services.

HB 104 (Hart)

Would to allow a small business owner adversely effected by an emergency order to bring an action against the Commonwealth for lost income, loss of going concern, or fees and costs if the temporary or partial closure of the business would not have occurred but for compliance with an emergency order.

HB 112 (Bratcher)

Would create a cause of action against a property owner for maintaining a crime-related nuisance.

HB 116 (Minter and others)

Would amend state laws to include a prohibition against discrimination because of sexual orientation and gender identity.

HB 120 (Massey)(H. Rules)

Would establish procedures for the creation of a consolidated emergency services district.

HB 130 (Willner and others)

Would amend existing laws to prohibit discrimination because of sexual orientation and gender identity.

HB 124 (Fischer)

Would prohibit a sanitation district from imposing any fee, tax, surcharge, or other charge for the provision of service to a property unless the property is connected to a sanitary sewer owned or maintained by the sanitation district, the property will be connected to a sanitary sewer within five years, the property discharges stormwater to a storm sewer or stormwater improvement owned or operated by the sanitation district, the sanitation district's storm sewer controls stormwater that flows to the property, or the person responsible for the charge has contracted with the sanitation district to provide the service.

HB 134 (Riley and others)

Would prohibit a person employed by a school district from using corporal physical discipline.

HB 141 (Blanton)

Withdrawn.

HB 143 (Maddox)

Would prohibit denial of food processing and distribution permits based on failure to comply with executive orders relating to COVID-19.

HB 148 (McCoy)(H. Rules)

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

HB 157 (Bowling)

Would establish the Kentucky State Park Centennial Commission and the Kentucky Semiquincentennial Commission to coordinate celebrations.

HB 161 (Bechler)

Would prohibit administrative bodies from promulgating administrative regulations relating to the COVID-19 pandemic without first consulting the General Assembly.

HB 162 (Osborne and Jenkins)(H. Rules)

Would provide for an automatic recount in elections of constitutional officers, members of Congress, and members of the General Assembly when the vote margin is 0.5% or less and provide for a recount in elections of the Governor and Lieutenant Governor, members of Congress, and members of the General Assembly when an automatic recount does not apply.

HB 171 (Tipton)

Would limit declarations of emergency, including executive orders relating to an emergency, to 15 days unless extended by the General Assembly.

HB 175 (Maddox and others)(H. Rules)

Would establish a cause of action for unlawful discriminatory practice against the firearms industry.

HB 178 (Sheldon)(To Senate)

Would require appointments to the Kentucky Board of Education to reflect equal gender representation and proportionally reflect the Commonwealth's political

affiliation and minority racial composition and add a student and a teacher to the board as non-voting members. Would also prevent Governor from reorganizing the Board by Executive Order.

HB 182 (Raymond)

Would provide that a person convicted of a felony shall not be permitted to vote until his or her civil or voting rights have been restored by executive pardon or order; would allow voter registration on the day of an election; and provide that each application for a motor vehicle driver's license shall be a simultaneous application for voter registration unless declined by the applicant.

HB 186 (Scott)

Would require public middle and high school curriculum to include instruction on the history of racism.

HB 187 (Scott)

Would provide additional free speech protections for student journalists.

HB 191 (Petrie)(H. A&R)(posted)

Would provide for direct relief payments to eligible small businesses in eligible industries and to eligible small nonprofit organizations through grant application.

HB 192 (Petrie)(To Conference/Free Conference Committee)

Governor's Executive Branch Budget Bill for FY 2021.

HB 193 (Petrie)(To Conference/Free Conference Committee)

Governor's proposed transportation budget for 2021.

HB 194 (Petrie)(To Conference/Free Conference Committee)

Proposed legislative budget for 2021.

HB 195 (Petrie)(To Conference/Free Conference Committee)

Proposed judicial budget for 2021.

HB 199 (Reed)(S. Transp)

Would clarify the requirement for an encroachment permit, as well as the power of the Transportation Cabinet to order encroachments on state roads to be removed or remedied.

HB 203 (Stevenson)

Would provide for curing certain mail-in absentee ballot deficiencies.

HB 204 (Stevenson)

Would establish the use of a secure ballot drop box as an option for return of a mail-in absentee ballot and to establish requirements for drop box use.

HB 205 (Stevenson)

Would provide for requesting a mail-in absentee ballot by requesting an application from the county clerk or by requesting the ballot directly through a secure online portal.

HB 209 (Dixon and 9)(S. NR Energy)

Would prohibit state and local government entities from restricting the donation of game meat to or from the Kentucky Department of Fish and Wildlife Resources.

HB 210 (Heavrin and Meade)(To Senate)

Would require employers to provide the same leave policies to adoptive parents as they provide to birth parents; change the applicable age of an adoptive child from seven to ten.

HB 215 (Nemes)

Would repeal and reenact new crimes of animal abuse in the first degree, animal abuse in the second degree, and aggravated animal abuse; create exceptions; create a new section of KRS Chapter 525 to authorize law enforcement and animal control officers to seize and hold animals who are victims of cruelty or abuse; and grant civil immunity to a person who enters a car containing a dog or cat believed in good faith to be in danger of death, subject to certain parameters.

HB 217 (Maddox and others)(H. State Govt)

Yet another bill directed at curtailing the Governor's powers during emergencies.

HB 225 (Fischer)(H. Rules)

Would change the filing deadline for candidates of more than one county, congressional candidates, and General Assembly candidates seeking elected office from the first Friday following the first Monday in January to the last Tuesday in January.

HB 228 (Brown)

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

HB 232 (Nemes and Stevenson)

Proposed constitutional amendment would automatically restore the voting rights of persons convicted of certain felonies upon completion of their imprisonment, probation, or parole and automatically restore their civil rights five years after completion of their imprisonment, probation, or parole.

HB 238 (Johnson and others)(To Senate)

Would allow city utilities boards to consist of either 3 or 5 members, and to specify the appointment of nonresident utility commission members for utility commissions consisting of three members and five members.

HB 242 (Bechler and Reed)

Would prohibit local governments and colleges from adopting sanctuary policies; establish hearing procedures for determination of sanctuary status and provide for the withholding of state funding from sanctuaries.

HB 244 (Willner and others)

Would amend existing law to provide circumstances where a peace officer may use active denial systems, chemical agents, kinetic energy projectiles, and long-range acoustic devices on another person; and require the Kentucky Law Enforcement Council to approve de-escalation training courses for students attending law enforcement basic training, and make other reforms.

HB 245 (Willner and others)

Would state that photographing or recording peace officers in the public performance of their duties is not unlawful.

HB 246 (Willner and others)

Would change the type of conduct that constitutes riot in the first and second degree; and what type of conduct that constitutes inciting to riot and unlawful assembly.

HB 248 (Raymond and Scott)

Would create a civil cause of action for a victim who is injured, had property damaged, or had law enforcement summoned by another person because of a belief or perception of the victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation.

HB 268 (Heath)(H. Elections)

Proposed constitutional amendment would provide four-year terms of office for members of the Kentucky House of Representatives beginning with those elected from even-numbered districts in November 2024 and with those elected from odd-numbered districts in November 2026.

HB 317 (Fleming)

Would amend statutes relating to the Human Rights Commission to enlarge deadlines for agency actions relating to discrimination complaints.

HB 319 (Banta)

Would require individuals born on or after January 1, 1975, to possess a safe boating certificate prior to operating a personal watercraft or motorboat on the waters of the Commonwealth.

HB 344 (Bowling)

Amend KRS 171.396 to expand the certified rehabilitation tax credit cap to \$30 million annually instead of the current tax credit cap of \$5 million annually; define a rural county; amend KRS 171.397 to allow a 30% credit for qualified expenses for property located within a rural county.

HB 345 (Bowling)(Under review)

Amend solid waste laws to change the definitions for "disposal," "municipal solid waste disposal facility," "waste site or facility," "waste," "hazardous waste," and "solid waste management facility,;" add definitions for "advanced recycling," "advanced recycling facility," "depolymerization," "gasification," "post-use polymer," "pyrolysis," "recovered feedstock," and "solvolysis"; amend KRS 109.012 to change the definitions for "solid waste," "solid waste management," and "solid waste management facility."

HB 348 (Pratt, Hart)(H. Rules)

Would revise statutes regarding broadband deployment fund.

HB 360 (Bechler)(recommitted to H. A&R)

Would direct that any individual or business penalized by business license restrictions or fines under the Governor's emergency response to the COVID-19 pandemic shall have their license restored and fines refunded.

HB 394 (Koch)(H. Rules)

Would make the Fish and Wildlife Commission's authority to appoint and compensate a commissioner not subject to the provisions of KRS Chapters 42, 45, 45A, 56, and 64; amend KRS 150.061 to give the Fish and Wildlife Commission the sole authority to appoint and determine compensation for a commissioner.

HB 400 (Rudy)(H. Rules)

Would repeal law allowing Governor to appoint a person to fill a vacancy in the office of United States Senator and require instead that the Governor schedule an election.

HB 409 (Stevenson)

Proposed Constitutional Amendment would replace language that prohibits idiots and insane persons from voting with contemporary language that instead prohibits persons from voting who are adjudicated to be mentally incompetent by a court of competent jurisdiction and such adjudication has not been set aside.

HB 418 (Hart)

Would grant the General Assembly final approval over any removal or placement of a statue, bust, plaque, or any comparable memorial on the first floor of the New State Capitol.

HB 430 (Bridges)

Would require the Transportation Cabinet to promulgate administrative regulations to establish procedures and forms to allow an individual without a fixed, permanent address to submit a form signed by a shelter, health care facility, or other social service agency attesting to the applicant's residence for the purpose of issuance of an operator's license or personal identification card.

HB 434 (Riley)

Would allow notice of trespass to be given through the placement of identifying purple paint marks on property; require any owner or lessee who marks his or her real property in such a manner to also provide clear written notice forbidding entry. It is unclear under the bill how that "clear written notice" would be conveyed.

HB 443 (Flannery)

Would establish the Kentucky State Park Centennial Commission to coordinate celebration of 100 years of the park system.

HB 446 (McCool)

Would change the qualifications and process of selection of Kentucky Fish and Wildlife Commission members.

HB 451 (Santoro)

Would authorize creation of county or multi-county Transportation Improvement Districts and provide authorization for developing and funding projects.

HB 464 (Brown)

Proposed constitutional amendment would allow persons convicted of certain felonies the right to vote.

HB 465 (Koenig)(H. NR Env)

Bill would allow utility to propose to value acquired water and sewer utility assets at fair market value rather than at the depreciated cost. KRC has concerns regarding the bill that we are addressing with the other interested parties.

HB 479 (Blanton)(H. Rules)

Would authorize the Attorney General to bring an action regarding the constitutionality of statutes, regulations, and orders; establish venue.

HB 480 (Flannery)

Proposed constitutional amendment would prohibit persons elected to public office from serving more than twenty consecutive years for the same public office.

HB 498 (Raymond)

Proposed constitutional amendment would establish the initiative power of the people to propose laws and to enact or reject proposed initiatives at an election.

HB 502 (Brown)

Comprehensive gun control bill, including universal background checks.

HB 508 (DuPlessis)

Comprehensive bill on highway funding, would set a single excise tax on gasoline and special fuels and provide for adjustment. The bill would also impose an annual “user fee” on hybrid and all-electric vehicles graduated based on vehicle weight, with \$150 on nonhybrid electric motor vehicles of 10,000 pounds or less; \$300 on nonhybrid electric motor vehicles over 10,000 pounds; \$75 on plug-in hybrid electric motor vehicles of 10,000 pounds or less; and \$150 on plug-in hybrid electric motor vehicles of ten thousand 10,000 pounds or heavier.

HB 516 (Maddox and others)

Would allow certain USDA-exempted poultry processors to sell to end consumers on a farm, at a farmers market, through delivery, or at a roadside stand.

HB 526 (McCool)

Would prohibit an executive order or administrative regulation from substantially burdening a person's freedom of religion, right to bear arms, right to protect themselves or their property, own or operate a business, or a person's right to

collect, extract, or distribute natural resources that would serve as a source of energy to heat, cool, or provide electricity to homes, or provide fuel to vehicles; prohibit an executive order from violating other laws.

HB 527 (Gentry)

Proposed constitutional amendment would extend state Senators terms to 6 years and impose term limits of 2 consecutive terms.

HB 528 (Gentry)

Proposed constitutional amendment would authorize the General Assembly to define, permit, and regulate casino gaming.

HB 542 (Blanton)(H. State Govt)

Would ratify the Governor's February 11, 2021 Executive Order regarding snow emergency and sunset it in sixty (60) days.

HB 548 (Nemes)

Would amend the definition of "processing" to include the act of loading or unloading limestone that has not otherwise been severed or treated in the Commonwealth and would allow a credit for substantially identical severance or processing taxes paid to another state or political subdivision thereof.

HB 549 (Maddox)

Would expand the limitation on emergency powers to include selling, transporting, storing, or displaying a firearm accessory or ammunition-reloading equipment and supplies; prohibit any person, unit of government, or governmental organization from requiring the registration of a firearm, firearm part, firearm accessory, ammunition, ammunition component, ammunition-

reloading equipment and supplies, or any deadly weapon or dangerous instrument; prohibit any person, unit of government, or governmental organization from suspending or revoking a license to carry a concealed weapon.

HB 569 (Meade)(-)

Would authorize intervention by the President of the Senate and the Speaker of the House of Representatives in specified court actions; reaffirm legislative privilege and immunity.

House Resolutions

HR 1 (Osborne)(Adopted)

Adopts Rules of Procedure for 2021 Session.

HCR 5 (Bentley)

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

HR 12 (Santoro)

Simple resolution would urge the General Assembly to adopt legislation to adequately fund the Commonwealth's transportation system.

HB 51 (Scott and Kulkarni)

Describe the benefits of the Green New Deal and urge the Kentucky Congressional delegation to support the Green New Deal.

Senate Bills

SB 1 (Castlen and others)(Vetoed, veto overridden, became law)

Would limit the effective dates of executive orders issued by the Governor to 30 days unless an extension is approved by the General Assembly and prohibit the Governor from issuing a new executive order relating to the same emergency without the approval of the General Assembly. One of many attempts in this session to curtail the emergency powers of the Governor.

SB 2 (West and others)(Vetoed, veto overridden, became law)

Comprehensive revisions to Administrative Regulation promulgation process to further restrict Executive Branch powers regarding administrative regulations.

SB 3 (Hornback)(To Governor)

Would reorganize several agricultural boards and attach those boards to the Department of Agriculture rather than the office of the Governor.

SB 4 (Stivers and others)(To House)

Would create procedures and requirements for issuance of warrants authorizing entry without notice; require judges to review applications for warrants impartially; and require service by SWAT or special response teams with special training; amend law to make clear that an officer's false statement in an application for a warrant authorizing entry without notice constitutes perjury; propose a rule of evidence making inadmissible any evidence collected as the result of a warrant authorizing entry without notice which did not comply with statutes or which was obtained through perjury or false statements.

SB 5 (Stivers and others)(S. Rules)

Would provide liability protection for owners of premises during a declared emergency and refine the immunity of the state, private persons, volunteers,

professional engineers and architects, and persons providing essential services during an emergency.

SB 11 (Schickel)(H. L&O)(posted)

Would amend existing law to specifically include damage to residential rental property in the crime of criminal mischief.

SB 13 (Yates and others)

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

SB 23 (Neal)

Would require Legislative Research Commission staff to identify a bill, amendment, or committee substitute that may result in a health disparity impact and notify the sponsor and the Cabinet for Health and Family Services; require the cabinet to determine if a health disparity impact review is necessary and complete the review if appropriate.

SB 24 (McDaniel)

Proposed constitutional amendment would require the General Assembly to convene if the Governor declares a state of emergency in the Commonwealth, and the state of emergency exceeds thirty days in the aggregate of a calendar year during which time the General Assembly is not in regular session.

SB 27 (Neal)

Would require the Special Committee on New State Capitol Monuments to meet at least once a year to establish criteria for selection of statues and monuments to be located in the Capitol Rotunda; require the committee to report its criteria after its second annual meeting to the Historic Properties Advisory Commission,

the Office of the Governor, and the members of the Legislative Research Commission.

SB 37 (Girdler)

Would prohibit required immunization of any person by any state agency or instrumentality.

SB 40 (Neal)

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

SB 41 (Thomas)

Would gradually raise the state minimum wage for hourly and tipped employees.

SB 43 (Thomas)(S. Judiciary)

Would define “heir” property and create a mechanism for partition or sale among cotenants by the court and create protocol for buyouts, partition alternatives, partition in kind, sale by open-market, sealed bids, or auction.

SB 46 (Neal)

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

SB 59 (Harper Angel)

Would prohibit retail pet shops from selling dogs, cats, and rabbits.

SB 60 (Meredith)

Would abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death.

SB 65 (West)(H. L&O)(posted)

Create a new section of KRS Chapter 13A to nullify 3 administrative regulations that became effective after being found deficient during the 2020 legislative interim.

SB 75 (Wheeler)(To House)

Would allow a local government that is located within the boundary of a regional authority, to pass an ordinance allowing for the operation of off-highway vehicles (OHVs) on a roadways under local government jurisdiction and state roadways approved by the Transportation Cabinet and require OHV passengers under the age of 18 to wear a helmet. Senate Committee Substitute added additional public participation requirements and opportunity for a pilot program.

SB 82 (Southworth)

Would enable local governments to legislate enforcement action for dog and welfare safety, so long as that the ordinance, regulation, or policy does not regulate ownership of a dog based on its breed or perceived breed and is consistent with state law.

SB 89 (McDaniel)

Proposed constitutional amendment prohibiting the Governor's ability to grant pardons or commute sentences beginning 30 days prior to a gubernatorial election and ending at that gubernatorial inauguration.

SB 92 (West)

Would create a regulated medicinal cannabis program.

SB 94 (Embry)(S. NR Energy)

Would require that an applicant seeking to site or expand a solid waste disposal facility submit to be licensed pursuant to KRS 68.178, which authorizes a county to impose a 2% of 5%/6.25% gross profits fee on certain solid waste facilities.

SB 98 (Southworth and others)(S. H&W)

Would prohibit employers from discriminating against an individual who declines immunization or requiring immunization as a condition of employment.

SB 99 (Kerr)(S. Rules)

Arguably prohibited special legislation that would exempt facilities at Bluegrass Station in specific areas from requirement to have construction contracts executed under the supervision of a licensed architect or professional engineer.

SB 105 (Mills)(S. Rules)

Would establish the guidelines for filing and serving a petition for the appointment of a conservator to take possession of and undertake the rehabilitation of an abandoned or blighted property and the procedure for hearing the petition.

SB 123 (Meredith)

Would allow a committee, subcommittee, or task force of the General Assembly to administer oaths, issue subpoenas, interview persons, or require the productions of books, papers, and documents pertaining to a legislative purpose within the committee's, subcommittee's, or task force's jurisdiction.

SB 130 (D. Carroll)(S. State Local Govt)

Would exclude from the Open Records Act photographs or videos that depict a person's death, killing, rape, or sexual assault or abuse.

SB 171 (Schroder)(To House)

Act relating to local government would make a number of changes in existing law – regulating splash pads, allowing peace officers in cities of the home rule class to be scheduled for 80 hours or less in a work period of 14 consecutive days under specified conditions; to supersede specified local government regulations on massage therapists; addressing local government investments, investments; and removing the exception that notes of amounts of less than \$1 million are not advertised.

SB 175 (Thomas)

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

SB 201 (Southworth)(S. State Local Govt)

Would allow persons to complain to the Attorney General if the person feels that the intent of the open records law has been subverted by an agency by delaying past the three day time period for answering an open records request, or by excessive extensions of time.

SB 205 (Webb)(S. Ag)

Would require the Department of Agriculture to provide continuing education on criminal and law enforcement procedures and investigatory practices to animal control officers.

SB 208 (Southworth, McGarvey)

Would establish operational, inspection, and regulation standards for statewide mobile food units.

SB 210 (Embry)

Would 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.

SB 226 (Nemes)

Proposed constitutional amendment would change the terms of Senators from four to six years and the terms of Representatives from two to four years and prevent Senators and Representatives from serving more than three consecutive terms of office beginning with the general election held in November 2024.

SB 228 (Stivers)(S. State Local Govt)

Would change the procedure for filling a vacancy in the office of United States Senator to require that the successor be chosen from the same political party.

SB 240 (McGarvey, Adams)

Proposed constitutional amendment to permit gaming and dedicate funds to the retirement systems.

SB 248 (McGarvey)

Would remove Robert E. Lee Day, Franklin D. Roosevelt Day, Confederate Memorial Day, and Jefferson Davis Day from the list of public holidays; add Women's Equality Day; replace Columbus Day with Indigenous People's Day.

SB 255 (Smith)(S. Rules)

Would extend financial incentives in current law regarding energy independence, to include cryptocurrency facilities with a minimum capital investment of one million dollars.

SB 257 (Mills and Wheeler)(S. NR Energy)

Would require the Public Service Commission when reviewing any fuel adjustment clauses for contracts entered into or after July 1, 2021, to subtract any coal severance tax imposed by any jurisdiction when determining the reasonableness of fuel costs in contracts and competing bids.

SB 259 (Adams)

Omnibus election bill would amend various sections of current law relating to paper ballots, voting equipment, voting systems, consolidation of precincts, registration periods, inactive voters, penalties related to ballot harvesting, eligible precinct officers and work hours, early voting, online portal for mail-in absentee ballots, mail-in absentee drop-boxes, early counting of mail-in absentee ballots, ballot questions and advocacy, and elections; repeal KRS 117.381 and 117.387, relating to electronic voting systems.

SB 260 (Storm)(S. Judiciary)

Would limit the Governor and political subdivisions and agencies from exercising emergency powers to substantially burden a person's freedom of religion; and waive the sovereign immunity of the Commonwealth in claims seeking equitable relief relating to the government substantially burdening a person's freedom of religion.

SB 262 (Neal)

Would permit any qualified voter the ability to vote in-person absentee during normal business hours on at least any of the 12 working days and two Saturdays before an election.

SB 263 (Neal)(S. Judiciary)

Would require officers to activate body-worn cameras when engaged in law enforcement activity.

SB 264 (West and others)(S. Eco Dev)

Would forbid a prohibition against evictions during an emergency.

SB 274 (Stivers)(S. State Govt)

Would establish procedures for cities wholly contained within 2 counties when those cities wish to annex territory in an additional county.

SB 275 (Stivers)

Would allow a coal severance tax refund for taxpayers who transport coal directly to a facility where it will be used for the manufacture of electricity within this Commonwealth.

SB 282 (Neal)

Proposed constitutional amendment to allow persons convicted of certain felonies the right to vote as provided by the General Assembly.

Senate Resolutions

SR 1 (Stivers)(Adopted)

Rules of Senate for 2021 Session.

SCR 104 (Neal)

Create the Task Force on Policing in the Commonwealth to study and make recommendations related to role of law enforcement and the relationship to the communities they serve.

SCR 106 (Southworth)

Direct the Legislative Research Commission to study the effect of administrative regulations on the Commonwealth of Kentucky.