

## **2022 General Assembly Regular Session Bills We're Watching: Eighth Edition!**

The 2022 General Assembly continues, and we at the Kentucky Resources Council are once again tracking environmental, conservation, consumer, energy, and general government bills and resolutions. We will publish this notice on our website weekly throughout the Session with updates on the bills we are supporting, opposing, or tracking. This summary is complete through end of legislative day 41, March 4, 2022. There are 19 legislative days remaining in the 2022 Regular Session.

This year is a “long” 60-legislative day session and began on January 4, 2022, with an anticipated final day on April 14, 2022. The General Assembly will not be in session on March 28<sup>th</sup>.

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!)

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### **Why Is The General Assembly Suddenly So Concerned With Gender Neutrality?**

You may have noticed a number of bills recently filed that make corrections to be more “gender-neutral” and wonder, “why is the General Assembly suddenly so intent on making those corrections?” Well, they're not. As the deadline approaches in the House and Senate for filing “new” bills, scores of bills are jacketed by committee chairs and other legislators as “placeholder” bills whose content, which typically reads as either making a “technical correction” to existing law or substituting “gender-neutral language,” can be replaced by changes to laws that are determined to be needed or desired after those bill-filing deadlines. As the session proceeds, many of these “placeholder” bills, also called “mules,” may

be called up in a committee and have the content added through a “committee substitute” to the bill.

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### **SHARE THESE NOTICES**

Feel free to share this notice. If you know someone who would like to be added to this list, tell them to write us at [fitz@kyrc.org](mailto:fitz@kyrc.org). The legislative update will be refreshed each Friday afternoon when the General Assembly is in session.

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### **STAY INFORMED DURING THE 2022 GENERAL ASSEMBLY**

**Find copies of bills, votes, and more information at**

<https://apps.legislature.ky.gov/record/22rs/record.html>

To find out bill status by phone, call 1-866-840-2835.

**Find your legislator at**

<https://apps.legislature.ky.gov/findyourlegislator/findyourlegislator.html>

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**Leave a message for a legislator on the message line**

Call 1-800-372-7181 to leave a message for a legislator or an entire committee.

En Espanol, el nombre es 1-866-840-6574.

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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 bill sponsor is then listed, followed by its current status of the bill (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. Ag = House Agriculture

H. A&R = House Appropriations and Revenue Committee

H. B&I = House Banking and Insurance Committee

H. CC = House Committee On Committees – this is the “first stop” for all new bills, from which the bills are assigned to a committee for consideration.

H. Eco Dev = House Economic Development & Workforce Investment Committee

H. Ed = House Education Committee

H. Elections= House Elections, Constitutional Amendments,  
and Intergovernmental Affairs Committee

H. H&FS = House Health and Family Services Committee

H. Judiciary = House Judiciary Committee

H. L&O = House Licensing, Occupations And Adm. Regulations Committee

H. Local Govt = House Local Government Committee H. Nat Res Energy = House  
Natural Resources and Energy Committee

H. Rules = House Rules Committee

H. Sm Bus = House Small Business and Information Technology Committee

H. State Govt = House State Government Committee

H. Tourism = House Tourism and Outdoor Recreation Committee

H. Transp = House Transportation Committee

H. Veterans= House Veterans, Military Affairs and Public Protection Committee

S. Ag = Senate Agriculture Committee

S. A&R = Senate Appropriations and Revenue

S. B&I = Senate Banking and Insurance Committee

S. C on C = Senate Committee on Committees

S. Eco Dev = Senate Economic Development, Tourism and Labor Committee

S. Ed = Senate Education Committee

S. H&W = Senate Health and Welfare Committee

S. Judiciary = Senate Judiciary Committee

S. L&O = Senate Licensing and Occupations Committee

S. NR Energy = Senate Natural Resources and Energy Committee

S. Rules = Senate Rules Committee

S. State Local Govt = Senate State and Local Government Committee

S. Transp = Senate Transportation

S. Veterans = Senate Veterans, Military Affairs, and Public Protection Committee

## **BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN A POSITION**

### **House Bills**

HB 1 (Petrie)(S. A&R)(Under review) House majority version of the 2022-2024 Executive Branch Budget Bill. Departing from tradition, the House majority introduced a proposed biennial budget prior to the Governor presenting his proposed budget for consideration by the General Assembly. HB 1 represents the House majority proposal for the biennial budget, and will be considered by the Senate, resulting in likely changes that will be resolved in conference and free conference committees comprised of appointed members of the House and Senate.

HB 45 (Bowling, Johnson, Westrom)(S. Rules, consent)(+) Would modify and include new definitions regarding the processing waste plastics in order to recycle chemicals and monomers in the plastics, sometimes referred to as “advanced” or

“chemical” recycling. While the concept of recycling plastics through the decomplexing of polymers has attracted criticism and the economics of such processing through pyrolysis, gasification, depolymerization, and other processes has not been demonstrated on a commercial scale, KRC believes that adequate controls are in place to assure that those facilities engaged in the processing of waste plastics will remain as regulated “solid waste sites and facilities” and that, with only some 20% of post-consumer plastics being recovered through physical recycling (with the remainder being landfilled, incinerated, or dumped into the environment) that the legal framework for regulating waste management and use of recycled feedstock should remain open to increasing the diversion of post-consumer plastics to new uses with the resulting decrease in virgin plastic production that such use would allow.

A House Committee Substitute adopted by the Committee contained two revisions sought by KRC, that will further strengthen the bill language and will exclude conversion of plastics for fuel as advanced recycling, as well as making sure that any facility processing and using the feedstock is subject to Cabinet regulation.

HB 77 (Bratcher)(S. L&O) (+) Repeal and reenactment with amendments of Kentucky’s Radon Safety program, including revisions in board membership, and increase in cap on fines to \$1,000 per occurrence.

HB 108 (Donohue)(H. CC)(+, needs significant revision) Would authorize the Kentucky Energy and Environment Cabinet to implement a program that internalizes the cost of packaging wastes, to set waste reduction targets and minimum recyclable content standards under an extended producer responsibility designation made by the cabinet, to impose producer responsibility fees to pay for the disposal, recycling, or additional treatment of packaging wastes contributed to the solid waste stream by the producer; emphasize plastic wastes; prioritizing the top ten packaging wastes as under an extended producer responsibility designation; and make other conforming changes. The concept of producer responsibility is a sound one, but framework is problematic.

HB 165 (Tackett Laferty)(H. CC)(+) Would remove the requirement that an affected employee previously diagnosed with occupational pneumoconiosis resulting from exposure to coal dust must have an additional two years of employment in the Commonwealth wherein the employee was continuously exposed to the hazards of the disease in order to reopen a claim.

HB 166 (Tackett Laferty)(H. CC)(+) 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 189 (Marzian)(H. CC)(+, needs revisions) Would prohibit the intentional release of more than 25 plastic balloons and phase-in bans on plastic, single-use carryout bags by July 1, 2027 and single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments. The bill imposes penalties in KRS Chapter 224, and while it does not require compliance inspections by the Energy and Environment Cabinet, it is presumed that the agency would enforce the law. It would make more sense for an agency that is already inspecting these establishments on a regular basis to do compliance monitoring and enforcement.

HB 195 (Johnson)(S. Rules)(+) Would create a notification requirement for communities with planning and zoning regarding developments within 660 feet of natural gas transmission pipelines; require a notified pipeline operator to provide pipeline location information to the developer; and require the developer to include language on the final plat filed with the planning commission stating that the developer has utilized reasonable means to notify the pipeline operator and verify the pipeline location. Recommendations largely track those of the consensus group advising the Pipeline and Hazardous Materials Safety Administration.

KRC requested that the sponsor consider broadening the application to include “hazardous liquids pipelines” as well, and House Floor Amendment 1 includes that broadening of the bill’s scope to cover anhydrous ammonia, oil, and natural gas liquids pipelines. The Floor Amendment was adopted, and the “GA” Version of the bill includes the broadening amendment sought by KRC.

HB 222 (Kulkarni, Nemes)(S. Judiciary)(+) Would protect freedom of expression against strategic lawsuits against public participation (SLAPP suits) by establishing 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 the moving party if dismissal is granted; 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 235 (Kulkarni and Scott)(H. CC)(+) Would establish a Healthy Soils Program and a Healthy Soils Program fund in the Department for Natural Resources, Division of Conservation to provide technical advice and assistance and to assist with soil health assessments and soil health plans; approve applications for grants and other types of financial assistance under the Healthy Soils Program; and require Agriculture Water Quality Authority to promote soil restoration and include an organic agriculture organization among appointments to the authority and add healthy soil practices as a committee and add restoration, biological diversity, watershed health, and healthy soil practices to the purpose of soil and water conservation districts. Bill is too prescriptive in terms of qualifications of Division Director.

HB 295 (Willner)(H. CC)(+) “Bottle bill” legislation would establish the framework for a beverage container refundable deposit fee program with beverage containers sold or offered for sale in the Commonwealth to have minimum refundable values of 10 cents; and would direct the Energy and Environment Cabinet to submit a study of the feasibility of implementing a minimum recycled content requirement for certain single-use plastic products. KRC has long supported bottle bill legislation, remembering the words of the Estill County high-

schooler who testified to the House Committee that in his years he'd seen plenty of cans and bottles thrown out of cars and trucks along the road but had never seen anyone tossing "nickels and dimes."

HB 337 (Hale)(S. State Local Govt)(-) What would a legislative session be without a bill proposing changes in the administrative regulation process to address regulations found by an interim legislative committee to be "deficient?" Bill would grant an administrative body 10 days to appeal a legislative committee's deficiency finding to the Attorney General; allow the Attorney General 20 days after receipt of the appeal to uphold or overrule the deficiency finding; and would deem a regulation withdrawn or nullified automatically if the appeal is not filed or the deficiency finding is upheld by the Attorney General; authorize the Governor to act on the regulation if the deficiency finding is overruled; prohibit an administrative body from promulgating an identical or substantially similar regulation for at least one year after a deficiency finding was upheld.

Further revisions to the process in this area are unwarranted. The number of regulations found deficient and put into effect by the Governor under current law notwithstanding a finding of deficiency by a legislative committee is negligible on an annual basis, and in many years, there are none. Any effort by the General Assembly to cause an automatic nullification of a regulation during the legislative interim, whether directly or by referral to the Attorney General, as in this case, would run afoul of the *LRC v. Brown* decision. The General Assembly can make findings of deficiency and can act on those findings during the next legislative session, but it cannot delegate to a committee or in this case to another constitutional officer, the power to nullify a regulation.

HB 338 (Kulkarni)(H. CC)(+, needs revision) 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 maximum PFAS chemical limits and monitoring requirements for discharges into the waters of the Commonwealth; require that maximum PFAS chemical limits be designed to



protect public health and be updated; provide that nothing in the section interferes with the Energy and Environment Cabinet's responsibilities under the federal Water Pollution Control Act or the Safe Drinking Water Act.

The Council appreciates Rep. Kulkarni's effort to focus legislative attention on the problem of discharges of these "forever chemicals." As noted by EPA Administrator Regan, "[h]armful per- and poly-fluoroalkyl substances (PFAS) are an urgent public health and environmental issue facing communities across the United States. PFAS have been manufactured and used in a variety of industries in the United States and around the globe since the 1940s, and they are still being used today. Because of the duration and breadth of use, PFAS can be found in surface water, groundwater, soil, and air—from remote rural areas to densely-populated urban centers. A growing body of scientific evidence shows that exposure at certain levels to specific PFAS can adversely impact human health and other living things. Despite these concerns, PFAS are still used in a wide range of consumer products and industrial applications."

The Council appreciates the approach outlined in the bill but believes that the timeframe is not reasonable for establishing effluent (discharge) guidelines, given that data on many classes of industrial facilities regarding PFA discharge is lacking. KRC would recommend that the bill be rewritten to incorporate the recommendations of EPA's PFA's Strategic Roadmap: 2021-2024, including establishing monitoring requirements for all direct and indirect discharges that are known or suspected to be discharging such compounds.

Also, given that "a relatively modest number of industrial facilities produce PFAS feedstock, and a relatively narrow set of industries directly discharge PFAS into water or soil or generate air emissions in large quantities," the focus should be on pollution prevention – with a goal of requiring eliminating of any use of the public's air and water resources for discharges and emissions of PFA and PFOA compounds into the environment unless the facility demonstrates the absence of harm.

HB 341 (Gooch)(H. CC)(-) Would amend existing law to allow PSC-regulated utilities to file “streamlined” procedures for rate cases if a full rate case had been filed within the preceding 5 years. Bill would severely curtail utility accountability in such ways as (1) eliminating evidentiary hearings unless requested by the utility (which would seldom happen), (2) imposing unreasonable limits on intervention timing, as well as on discovery by parties directed to the utility, and (3) allowing a number of utility capital investments to be done by “rider” rather than in a rate case or through a certificate of public convenience and necessity, thus allowing the utility to avoid more rigorous scrutiny of such proposed investments.

KRC will be talking with the sponsor about the adverse effect of many of these changes. At a time of significant increases in utility rates for electricity, natural gas, water, and wastewater, more rather than less scrutiny and accountability is needed.

HB 342 (Hatton)(H.CC)(+) Would include affordability when determining fair, just, and reasonable utility rates; require affordable, fair, just, and reasonable rates to balance the interests of the utility, its investors, and the ratepayer.

HB 361 (Hart)(H CC)(-) Would make water fluoridation programs optional; and allow the governing bodies of water systems subject to regulation by the Cabinet for Health and Family Services to decide whether they participate in water fluoridation programs.

Fluoridation, as a tool for advancing oral hygiene, is recognized as among the most effective public health initiatives.

HB 392 (Branscum and others)(S. NR Energy)(-) Would amend and update statutes governing Kentucky State Board on Electric Generation and Transmission Siting to include decommissioning requirements and bond. KRC has a number of serious concerns with the bill as written and has communicated those to the sponsor. Among the most serious is that there is no Board oversight of the sufficiency of the amount or form of the decommissioning bond, and the developer is allowed

to leave equipment in and on the ground rather than removing it all on decommissioning. The bill is insufficiently protective of landowners' and farmers' interests and fails to provide sufficient assurances that the decommissioning will be complete and the bonds will be adequate.

HB 395 (Massey and others)(H. CC)(-) Revisions to state Department of Fish and Wildlife agency statutes would reduce transparency and accountability of agency regarding fiscal and governance matters.

HB 421 (Hatton)(H. CC)(+) Would revise law to improve protections for coal miners regarding wage performance bonds associated with coal mining operations.

HB 422 (Hatton)(H. CC)(+) Would require that KentuckyWired contracts between the Kentucky Communications Network Authority and public or private Internet service providers contain certain provisions to ensure open and fair access to the network by customers.

HB 437 (Smith)(H. CC)(+/-) Would require the commission to require utilities, except electric cooperatives and municipal utilities, under its jurisdiction to maintain an up-to-date database of utility easements and rights of way for its customers. KRC supports the requirement and believes it should be extended to include co-ops as well and will discuss that with the sponsor.

HB 453 (Dixon)(S. State Local Govt)(+, details under review) Would revise open meetings laws to address video teleconferencing and to require information regarding where any member of the media or public may view the meeting electronically, including a primary physical location of the video teleconference where all members of the public agency who are participating may be seen and heard, if the public agency provides a physical location for the meeting, or where two or more members of the public agency are attending a video teleconference meeting from the same physical location, and require all public agency members

who participate in a video teleconference to remain on camera all the time business is being discussed.

HB 455 (Bray and others)(H. CC)(-) Proposed constitutional amendment to allow the General Assembly the power to limit noneconomic damages for injuries resulting in death or for injuries to persons or property.

KRC has long opposed this proposed amendment, which has been introduced in several prior sessions. The right to redress for injury is among the bedrock rights in Kentucky's constitution and cannot lawfully and should not be infringed upon by constitutional amendments such as this seeking to limit the recovery of pain and suffering and for exemplary and 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 wanton disregard and gross negligence.

HB 470 (Gooch)(H. CC)(-) A Kentucky version of the "model" legislation found on ALEC's website, the bill appears to be written more for states where there has been a deregulation of electricity generation rather than states like Kentucky where the rates, service, reliability, and resiliency of electric generation, transmission, and distribution are already regulated. While purporting to be about reliability and affordability the bill does nothing to enhance reliability that isn't already regular practice and will do nothing but increase the cost of and amount of regulation that will ultimately borne by ratepayers. Parts of the bill are very vague and unwieldy, even for the fossil generating units apparently favored by ALEC and which the bill seeks to benefit.

HB 477 (Prunty, Sheldon)(H. CC)(+/-) Companion bill to SB 157 would require that all waste disposal facilities, including contained, residual, and hazardous waste landfills, obtain a license from local government under KRS 68.178, which allows licensing and fees for "off-site waste management facilities."

While KRC appreciates that local governments should have the authority to license and impose reasonable fees on all types of waste management facilities, the linkage in the bill creates conflict between the types of facilities required to be licensed under KRS Chapter 224 and those the local government authorized to license in KRS 68.178.

HB 478 (Willner)(H. CC)(+) Would revise standards for disconnection and reconnection of service by PSC-regulated utilities.

HB 484 (Raymond)(H. CC)(+) Would require licensed child-care centers to be tested for radon at least once every five years as part of their initial licensure and license renewal, and to post results.

HB 485 (Timoney and Westrom)(H. CC)(+) Would require electric utilities regulated by the Public Service Commission to have a vegetation management plan in conformance with ANSI and approved by the commission; require different notice requirements to the public and property owners; impose penalty for failure of a utility to comply with vegetation maintenance plan requirements; require public hearings; establish homeowner rights with respect to vegetation maintenance; require the utility develop a brochure for homeowner rights and have the information available on its Web site; allow for civil action for unauthorized tree pruning or removal; allow for damages for unauthorized tree removal or pruning; require written consent to remove more than 25 percent of tree canopy; allow for a temporary cessation of work if property owner objects to vegetation maintenance; and prescribe time frames for notice and response.

HB 492 (Meade)(H. CC)(-) Would create a rural infrastructure improvement fund allowing the Kentucky Infrastructure Authority to reimburse qualified applicants for eligible utility pole replacement costs necessary for the deployment of broadband infrastructure. Bill would allow up to 50% of pole replacement costs to be reimbursed for “eligible applicants,” but does not define “eligible applicants.”

KRC opposes the use of such a fund to subsidize for-profit broadband providers seeking to complete projects for which they competitively won federal funds under the Rural Digital Opportunity Fund and which they have an obligation to finish, particularly when opposing bidders for federal funds may have been non-profit co-ops.

HB 513 (Miller, Massey)(H. Rules)(+) Bill would make changes in manner in which Kentucky Department for Fish and Wildlife acquires and contracts for compensatory mitigation projects under Section 404 of the Clean Water Act.

HB 555 (Freeland)(H. CC)(+) Would create a new decontamination tax credit for amount of expenditures made by the taxpayer for the remediation of the contaminated property but not to exceed \$30,000,000 and create a new section of Subchapter 1 of KRS Chapter 224 to provide establishment of the application and approval process through the Energy and Environment Cabinet.

HB 556 (Nemes)(H. CC)(+) Would expand the voluntary environmental remediation tax credit for taxable years beginning on or after January 1, 2022, but before January 1, 2026.

HB 589 (Fleming, Moser) Withdrawn

HB 597 (Gooch)(H. Rules)(+) Would update state laws concerning water resources and require high hazard dams to develop and maintain emergency action plans.

HB 600 (Gooch)(H. Rules)(+) Would revise the state mine reclamation bond fund board to clarify that members of the commission representing the coal mining industry are coal mine permittees and allow for smaller operators to be selected to represent different sized operators if a larger operator cannot be found.

HB 603 (Fleming, Moser)(H. CC)(+) Would make it ethical misconduct for a legislator or legislative agent to engage in discrimination or sexual harassment.

HB 605 (Massey and others)(H. CC)(+) Revisions to procurement process for Department of Fish and Wildlife Resources, and to election process for commission members and terms.

HB 669 (Gooch)(NR Energy) Would make technical and grammatical corrections in existing oil and gas law. This bill will be replaced, hopefully by a change in the definition of “orphan wells” that will allow greater access to federal grant funds to reclaim orphan and abandoned oil and gas wells.

HB 671 (Frazier Gordon)(H. NR Energy)(+) Would set forth proof of ownership requirements for the purchase of catalytic converters.

HB 717 (Dotson)(H. CC)(+) Would prohibit owners or operators of facilities permitted as air contaminant sources from using trichloroethylene (TCE) subject to exceptions and time extensions for small businesses; allow the permitting agency to require additional information and impose additional restrictions based on impacts from nearby sources or background concentrations; require that any replacement chemical for TCE be less toxic to human health, as approved by the secretary for the Energy and Environment Cabinet; allow for mandatory and permissive exceptions to the TCE prohibitions based on certain criteria; require the Energy and Environment Cabinet promulgate administrative regulations on or before January 1, 2023 to carry out the requirements of the section, including establishing health risk limits for TCE concentrations in the air and drinking water; create a new section of KRS Chapter 338 to require that after January 1, 2023, employers at workplaces where employees may be exposed to TCE post warnings about the dangers of TCE exposure.

HB 729 (Raymond)(H. CC)(+) Would require a seller of residential property conduct and pay for a tests to determine lead content as a condition of sale; and require a landlord to conduct lead testing and inform tenants of results.

HB 737 (Kulkarni, Herron)(H. CC)(+) Would establish the Kentucky Urban Farming Youth Initiative to promote farming to youth in urban counties.

HB 755 (Gooch, Fugate)(H. CC)(+) Would require the Public Service Commission to open an administrative case to initiate an investigation to reduce the volatility of fuel adjustment clause charges on electric utility bills within 90 days of the effective date of the Act and to promulgate administrative regulations to implement any changes it has prescribed to reduce the volatility of fuel adjustment clause charges on electric utility bills within 60 days of issuing an order in the administrative case.

The bill calls for the establishment of an administrative case by the Commission to study reduction of the “volatility of fuel adjustment clause charges on electric utility bills.” This charge could be read narrowly, to look at issues like annualizing the charge to flatten peaks in the FAC chargers, or more broadly, to look at strategies to reduce the volatility of the charges by reducing the volatility of the “fuels” relied upon to generate electricity, and also to investigate wholesale price volatility and possible hedges on those costs that could be employed to reduce overall volatility for ratepayers.

KRC supports a fair inquiry into the volatility of costs to ratepayers associated with the volatility of fossil fuels utilized for the generation of electricity. One of the important aspects of greater incorporation of renewable generation assets into the mix of a utility’s generation portfolio is the reduction in price spikes and fuel volatility.

HB 758 (Gooch)(H. CC)(+) Would establish a water management assistance fund which is administered by the Kentucky Infrastructure Authority to provide assistance for both capital and non-capital expenses of governmental entities that provide public drinking water and wastewater services to the public.

KRC supports efforts to provide technical, managerial, and financial assistance to assist local governmental entities to provide public water and wastewater services. Such investments are an important hedge against privatization of such



essential services by for-profit utilities, which invariably result in increases in rates for both acquired municipal and acquiring for-profit water utilities.

HB 778 (Bray)(H. CC)(-) Would allow an electric utility to amortize a regulatory asset without approval from the commission to defer recovery of expenses for coal, natural gas, or replacement power if the deferral lowers customer bills; require the amortization of the expense to be no more than 12 months from the date the regulatory asset is established; require the electric utility to inform the commission when a regulatory asset is established and provide the reason for its creation and accounting for the asset; allow overages or under-recovery to be placed on customer bills through refund or additional charge at the time of the electric utility's next rate case or 2-year review of the fuel adjustment clause. In addition to allowing a utility to do something without commission approval that they do and should have to get approval for today, the bill provides no basis for when it could apply. The language is imprecise and puts utilities in a place to make decisions regarding rates and costs without any oversight. It's also focused solely on the short term (lower bills today), but a utility could use this in their own discretion to move costs off books when they need to make earnings, and could result in a pancaking of costs that could lead to higher costs in the long run for the FAC and higher financing costs.

## **House Resolutions**

HJR 4 (Lockett 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, limit the powers and jurisdiction of the federal government, and limit the terms of office for its officials and members of Congress. Constitutional scholars largely believe that the scope of such a convention would not be limited to enumerated issues but could become a vehicle for wide-ranging damage to personal liberties and constitutional protections. And there are already constraints on the terms of office of elected officials and members of Congress, which are called "elections."

Also found at HJR 17 (Lawrence, Lockett).

HR 34 (Scott, Kulkarni, Stevenson)(+) Simple resolution honoring the life and legacy of Dr. Martin Luther King, Jr.

HR 38 (Tackett Laferty)(+) Simple resolution honoring Eula Hall and recommending that consideration be given to placing her statue in the Capitol Rotunda.

HR 39 (Stevenson, Scott)(Adopted)(+) Simple resolution would recognize the last day of February, the day connecting Black and Women's History Months, as a day to honor Black women.

HJR 42 (Upchurch and others)(S. Veterans)(+) Would grant the family of the last remaining World War II veteran in Kentucky, upon his or her passing, the option of the veteran to lie in state in the Capitol Rotunda and receive a funeral with full military honors.

HCR 47 (Frazier Gordon)(S. Ag)(+) Would encourage school districts to buy foods locally for school meals.

HR 49 (Bratcher, Kulkarni)(+)(Adopted) Recognizes January 27, 2022, as International Holocaust Remembrance Day.

HR 53 (Stevenson)(+)(Adopted) Resolution adjourning the House of Representatives in honor and loving memory of Darryl Owens.

HR 61 (Brown and Graham)(+) Resolution decrying recent attacks on historically Black colleges and universities, and supporting Kentucky State University and other historically Black colleges and universities against hatred, intolerance, and violence.

HB 66 (Kirk-McCormick)(adopted)(+) Resolution recognizing April 26, 2022, as National Frederick Law Olmsted Day in Kentucky to celebrate and honor his impact and contributions in landscape architecture and conservation.

HR 84 (Fister, Huff, King)(+) Simple resolution condemning anti-Semitism in the Commonwealth of Kentucky.

HR 85 (Kulkarni, Bratcher)(+) Resolution to recognize March 4, 2022, as PFAS Chemical Awareness Day in Kentucky.

HCR 88 (Stevenson)(H. CC)(+) Concurrent resolution would urge Congress to enact legislation granting statehood to the people of Washington, D.C.

HR 95 (Johnson)(Adopted)(+) Simple resolution condemning Russia's unprovoked military aggression and invasion of the sovereign state of Ukraine.

HR 96 (Bratcher and others)(+) Resolution honoring the celebration of Black History Month and recognizing the accomplishments and contributions of Lawrence Smith.

HB 98 (Herron)(Adopted)(+) Resolution honoring Representative Reginald Meeks upon his retirement.

HCR 108 (Graham)(+) Resolution calling for the immediate cessation of hostilities in the Tigray and adjoining regions of Ethiopia, protection of human rights, and unfettered access for humanitarian relief.

### **Senate Bills**

SB 28 (Girdler, Hornback, Adams, Meredith, Parrett)(S. Rules, recommitted to S. A&R)(-) Would allow a utility to grant free or reduced rate service to any commercial food production operation that produces food items intended for human consumption, subject to the Public Service Commission approval of the

tariff. KRC is concerned that allowing an exemption or preferential rate for one subclass of customers will shift those costs to other ratepayers, since the costs will have to be paid by ratepayers within the system.

KRC testified in committee and expressed those concerns, and appreciates both Senators Girdler's concerns with the impacts of rising water utility rates on consumers and Senator Smith for allowing testimony on the bill.

SB 41 (Harper Angel)(S. NR Energy)(+) Would prohibit the intentional release of more than 25 plastic balloons and establish phased-in bans on plastic, single-use carryout bags and on provision of single-use plastic straws and Styrofoam food and beverage containers by retail food and beverage establishments. The bill imposes penalties in KRS Chapter 224, and while it does not require compliance inspections by the Energy and Environment Cabinet, it is presumed that the agency would enforce the law. It would make more sense for an agency that is already inspecting these establishments on a regular basis to do compliance monitoring and enforcement.

SB 52 (Hornback)(S. A&R)(Under review) Would require a \$100 per acre state conversion charge on land which has been converted from agricultural or horticultural to any other use and require the charge to be deposited into the agricultural enhancement fund.

SB 69 (Hornback)(S. Rules, recommitted to S. NR Energy)(+) Would make several amendments to the Kentucky Electric Generation and Transmission Siting Board in order to address siting of merchant (non-utility) solar and other electric generating facilities. KRC has been negotiating with other stakeholders and has been assisting the sponsor with several recommended amendments to the bill. Among the provisions of the "current" are bill are amending the threshold for what constitutes a merchant power plant to include facilities that occupy in aggregate 10 acres or more of land; change the definition of "commence to construct" so that site clearing and excavation work satisfy the commence to construct requirements; establishing setback requirements for solar merchant

electric generating facilities of 50 feet from the property boundary of any nonparticipating adjoining property and 100 feet from a residence on any other property than the one on which the facility is to be located unless waived in writing; provide exceptions; require that before exercising an option to acquire any interest in real estate in a county that a merchant electric generating entity notify the heads of local government entities of jurisdiction; allow the local officials or the commission to request a public hearing on the proposed merchant electric generating project; require ongoing notification of changes to the project from the merchant electric generating entities to local officials; remove outdated language; require the site assessment report submitted by a person proposing to construct a merchant electric generating facility to include a decommissioning plan to explain in detail how the facility and its components will be removed at the end of their useful lives; require the decommissioning plan to be reviewed as needed, but at least once every 5 years; establish minimum requirements for the decommissioning plan; amend KRS 278.710 to require the application for the construction certificate of a merchant utility generating facility to be denied until the applicant can provide documentation of compliance with all local planning and zoning requirements that existed on the date that the application was filed; include whether the proposed decommissioning plan is in the public interest as a criterion for application approval; authorize the merchant utility siting board to require the decommissioning plan to be amended to ensure that it is in the public interest; provide that the construction certificate holder and any of its successors in interest shall be required to comply on an ongoing basis with all conditions of its application approval, subject to enforcement in Franklin Circuit Court; require that prior to the commencement of construction, the holder of a construction certificate for a merchant electric generating facility shall furnish bond or other similar security to assure the decommissioning of the facility at the end of its useful life; establish the procedure for setting the bond amount; provide for review of the bond amount as needed but at least once every 5 years; provide which entities will be named as beneficiaries of the bond depending on the circumstances; require that the bond be forfeited unless the person responsible for completing the decommissioning plan begins work on the plan within 12 months of the date that the facility ceases to produce electricity for sale and

completes the work within 18 months of that date; require that any forfeited bond amounts only be used to decommission facilities on the properties for which the bond was posted; require prior authorization for any transfer of control of a merchant electric generating facility; define "control" and the circumstances under which control will be considered to be transferred and the conditions for approval; require a decision to be made on the approval of the transfer of control within 90 days of the application, except that an additional 60 days may be taken for good cause shown; require that notice of an application for approval of transfer of control of a merchant electric generating facility be given to local government officials for where the facility is located; provide that the requirements of the Act shall apply to all new and current applicants for construction certificates for merchant electric generating facilities whose applications have not been approved prior to the effective date of the Act.

SB 78 (McDaniel)(S. Veterans)(+) Would require the Department for Facilities and Support Services within the Finance and Administration Cabinet to place a statue of United States Navy diver and Kentucky native Carl Brashear in the Capitol Rotunda.

SB 118 (Smith and others)(S. Judiciary)(-) Would require the Energy and Environment Cabinet to update and study the state assumption of the Section 404 permitting program under the Clean Water Act.

KRC, which participated in the last assessment of whether the state should seek to assume the Section 404 program, does not oppose reconsideration of state assumption of the program, which is intended to avoid, minimize, and mitigate impacts to "waters of the United States" from the placement of dredged or fill material.

KRC does, however, have a number of concerns regarding provisions of the bill that would affect permit issuance under the KPDES pollutant discharge permit program. The requirement to create a tracking system for the status of permits is largely duplicative of existing on-line tracking and calls for creation of an "online

portal” that is intended to facilitate more rapid transmittal of information needed to address administrative and technical deficiencies in permit applications, but which exempts from the Kentucky Open Records Act for information submitted by a permit applicant on that portal.

Such an exemption is unjustified, and inconsistent with the disclosure requirements associated with the existing delegated programs under the Clean Water Act.

The other considerations are that if the program is delegated to the state, the requirements of the National Environmental Policy Act with respect to Environmental Impact Statements and Environmental Assessments are no longer applicable (in the absence of “federal action”) and there would no longer be a “public interest review,” which is a separate filter through which the Corps looks at its permitting actions, and which can result in permit denial even where technical compliance with the 404 requirements of avoidance, minimization, and mitigation is demonstrated. There is also a question of whether consultation would continue to be required under the Endangered Species Act, which applies to federal “undertakings.” Delegation could be made contingent on such consultation continuing, but that is not certain.

KRC will talk with the sponsor about revising the bill to eliminate duplication with existing Cabinet tracking, to remove any exemption from disclosure of permit-related information provided to the Cabinet, and to provide an environmental review comparable to NEPA and the Corps’ “public interest” review.

SB 142 (Alvarado and others)(S. State Govt)(-) Proposed constitutional amendment to allow the General Assembly the power to limit noneconomic damages for injuries resulting in death or for injuries to persons or property.

KRC has long opposed this proposed amendment, which has been introduced in several prior sessions. The right to redress for injury is among the bedrock rights in Kentucky’s constitution and cannot lawfully and should not be infringed upon

by constitutional amendments such as this seeking to limit the recovery of pain and suffering and for exemplary and 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 wanton disregard and gross negligence.

SB 152 (West)(S. State Govt)(-) Would exempt local government entity that issues a solid waste management franchise in an area that the local government had exclusively provided services to from the requirements of KRS 109.0417, which require notice to all service providers and an opportunity for a public hearing prior to the award of a new franchise.

SB 154 (Yates)(S. State Govt)(+) Would increase the penalties for violations of specified sections or actions in KRS Chapter 100 (Planning and Zoning), and violations of any regulations adopted pursuant to those specified sections or actions.

SB 157 (Embry)(S. NR Energy)(+/-) Would require that all waste disposal facilities, including contained, residual, and hazardous waste landfills, obtain a license from local government under KRS 68.178, which allows licensing and fees for “off-site waste management facilities.”

While KRC appreciates that local governments should have the authority to license and impose reasonable fees on all types of waste management facilities, the linkage in the bill creates conflict between the types of facilities required to be licensed under KRS Chapter 224 and those the local government authorized to license in KRS 68.178.

SB 171 (McGarvey and others)(S. Judiciary)(+) Would prohibit discrimination because of sexual orientation and gender identity in various labor and employment practices, and public accommodation, housing, real estate, and other financial transactions, insurance sales, and credit transactions.



SB 198 (Storm)(S. Transp)(+) Would restrict Department of Transportation jurisdiction on junkyards (auto recycling) to include only those highways which are a part of the national highway system. KRC was concerned that in this restriction of jurisdiction, all measures formerly required by DOT would remain in effect for screening. The language of this version of the bill includes those provisions sought last year by KRC. Any auto recycler to comply with all local ordinances, rules, and regulations, regardless if the auto recycler is required to be permitted under KRS 177.910; specify that for any auto recycler required to be permitted under KRS 177.910, the commissioner of highways may exempt the auto recycler from the permit process, if the local government certifies the auto recycler's compliance as a conforming use in an industrially zoned area under the applicable zoning ordinances and regulations; allow recyclers permitted by the department on the effective date of the Act, but no longer subject to department oversight to continue operation on the same site for which they were permitted; keep screening, site, and use restrictions imposed by the department in place unless removed by a planning and zoning body, city, or county; give responsibility for enforcement at the local level to county attorneys.

SB 205 (Mills and others)(S. Rules)(-) Would require the State Treasurer to publish, maintain, and update a list of financial companies engaged in energy company boycotts and to file the list with the Legislative Research Commission and the Attorney General; require state governmental entities to notify the Treasurer of the listed financial companies in which the state governmental entity owns direct or indirect holdings; require state governmental entities to inform and warn listed financial companies that they may become subject to divestment by the state governmental agency unless they clarify their actions or cease their energy company boycott; require state governmental entities to divest from the listed financial company if it does not cease its energy company boycott in the timeframes established by the section; provide for delays in the divestment schedule if it will result in a loss of value or a benchmark deviation.

The decision of financial companies to invest, or to disinvest, from fossil fuels, is a logical reflection of the risk associated with such investment in carbon-heavy

industrial sectors. Seeking to punish through divestment the market response to such risks will neither encourage future investment in carbon-heavy industries, nor advance the need for decarbonization in Kentucky.

SB 217 (Webb)(S. NR Energy)(+) Would amend laws governing the independent status of the Department of Fish and Wildlife Resources in relation to the Tourism Cabinet, and with respect to procurements by the Department.

SB 218 (Webb)(S. NR Energy)(+) Would authorize the Department of Fish and Wildlife Resources to make acquisitions for compensatory mitigation projects under Clean Water Act Section 404 program.

SB 225 (Thomas)(S. NR Energy)(+) Would create a renewable portfolio standard for PSC-regulated electric utilities. KRC supports diversification of utility portfolios, while recognizing that the transition needs to be undertaken in a measured manner.

SB 301 (Higdon)(S. NR Energy)(Under review) Would create a new section of Subchapter 50 of KRS Chapter 224 to require the Energy and Environment Cabinet to promulgate new administrative regulations to regulate biosolids from wastewater treatment at a publicly owned treatment works in conformity with and no more stringent than federal standards under 40 C.F.R. Part 530.

SB 314 and 315 (Mills)(S. CC), SB 328 (Wheeler)(S. CC) Placeholder bills relating to oil and gas.

SB 318 (Neal)(S. CC)(+) Would make June 19, also known as "Juneteenth National Freedom Day," a day of commemoration and allow a state employee the ability to be granted no less than four hours leave to commemorate Juneteenth National Freedom Day at his or her option.

SB 325 (Webb)(S. CC)(+) Would establish a stillage management tax credit and allow a refundable portion of the distilled spirits tax credit for distillers installing system to transform stillage material into a value-added product.

SB 326 (Wheeler)(+) While currently without detail, the name of the bill indicates that it will be addressed to allowing securitization of debt for public utilities, which can save millions of dollars for ratepayers if properly implemented.

SB 329 (Wheeler)(S. CC)(+) Would require the Public Service Commission to examine the use of the fuel adjustment clause by electric and natural gas utilities and report to the Legislative Research Commission by December 1 each year beginning on December 1, 2022.

SB 341 (Smith)(S. CC)(+) Would allow grant-funded employment opportunities within the Division of Forestry.

SB 343 (Wheeler, Turner)(S. CC)(+) Would establish a water management assistance fund which is administered by the Kentucky Infrastructure Authority to provide assistance for both capital and non-capital expenses of governmental entities that provide public drinking water and wastewater services to the public that improve the technical, managerial, or operational capacity of public drinking water and wastewater systems.

SB 347 (Higdon)(S. CC)(+) Would require the Transportation Cabinet to develop an electric vehicle infrastructure development plan to describe how the state will administer the National Electric Vehicle infrastructure Formula Program funds.

### **Senate Resolutions**

SJR 24 (Meredith)(S. Judiciary)(-) Joint resolution applying for an Article V convention to propose an amendment to the Constitution of the United States to set a limit on the number of terms of office for members of Congress.

Constitutional scholars largely believe that the scope of such a convention would

not be limited to enumerated issues but could become a vehicle for wide-ranging damage to personal liberties and constitutional protections. And there are already constraints on the terms of office of elected officials and members of Congress, which are called “elections.”

SR 74 (McGarvey, Berg)(+)(Adopted) Recognizes January 27, 2022, as International Holocaust Remembrance Day.

SR 76 (Wise)(+)(Adopted) Expresses sympathy to the citizens of the Commonwealth affected by the historic December 2021 tornado outbreak and honors the many acts of kindness provided to the impacted communities and school districts by school personnel.

SR 92 (Neal)(+) A resolution honoring the celebration of Black History Month and recognizing that Black history is American history.

SR 93 (Neal)(+) Resolution decrying recent attacks on historically Black colleges and universities, and supporting Kentucky State University and other historically Black colleges and universities against hatred, intolerance, and violence.

SR 139 (Douglas)(S. Floor)(+) Resolution memorializing the late Senator Tom Buford.

SR 151 (McGarvey)(S. Veterans)(+) Simple resolution condemning Russia's unprovoked military aggression and invasion of the sovereign state of Ukraine.

SR 153 (Thayer, McGarvey, others)(Adopted)(+) Resolution affirming support for Ukrainian sovereignty, the people of Ukraine, and their right to self-determination.

SJR 170 (Wheeler)(S. CC)(+) Would require the Public Service Commission to open an administrative case to examine fuel price volatility and fuel procurement practices.

## **BILLS AND RESOLUTIONS FOR WHICH KRC HAS TAKEN NO POSITION**

KRC has listed below a number of bills on which we have taken no position, but which we believe are of public interest or concern, and which affect one or more facets of justice, personal freedom, and social responsibility. They are presented for your consideration.

### **House Bills**

HB 2 (Miller)(Vetoed, veto overridden, became law) House redistricting bill.

HB 5 (Heath and others)(Became Law) Disaster relief assistance appropriation for Western Kentucky.

HB 8 (H. A&R)(Petrie and others)(To Senate)(Under review) Would make numerous changes in tax laws, including reducing the individual income tax rate to 4% starting in 2023, removing certain tax exemptions and imposing new service taxes, including car-sharing, historical site admissions, impose a tax on electric vehicle power distributed in this state by an electric vehicle power dealer; impose “battery reclamation and mitigation fees” on an electric vehicle or a hybrid vehicles.

HB 11 (Willner and others)(H. CC) Would extend civil rights protections to sexual orientation and gender identity. Also, HB 15.

HB 14 (Fischer and others)(H. CC) Effort to prohibit teaching of “prohibited concepts” including structural racism. Also, HB 18.

HB 17 (Banta)(H. CC) Proposed constitutional amendment would impose term limits on state house and senate members.

HB 19 (Banta)(H. CC) Would require possession of safe boating certificates for motorboats and watercraft on Kentucky waters.

HB 20 (Freeland and others)(H. Rules) Specifying felony penalties for torture of a dog or cat.

HB 21 (Reed and others)(H. CC) Would prohibit COVID vaccine passports for entry to state institutions and buildings.

HB 22 (Minter and others)(H. CC) Would designate June 12 as Women Veterans' Appreciation Day in the Commonwealth.

HB 28 (Maddox and others)(H. CC) Would prohibit public entity employers, businesses, and colleges from requiring employees, applicants, students, and faculty from disclosing his or her immunization status.

HB 29 (Bray and others)(H. Rules) Would prevent state and local government officials from enforcing federal firearm bans.

HB 31 (Scott and others)(H. CC) Would provide that school disciplinary codes shall prohibit discrimination on the basis of race and define "race" to include traits historically associated with race including hairstyles.

HB 33 (Branscum and Santoro) (S. Ed) Would delete reporting requirement for efficient design and eliminate requirement that new public school buildings to provide sufficient water bottle fillings station and drinking fountains.

HB 36 (Fister and others)(H. CC) Would exempt firearms and ammunition from sales and use taxes.

HB 37 (Scott, Flood, Raymond)(H. CC) Would require licensed health facilities to provide each patient with written information regarding the patient's rights and implement an evidence-based implicit bias program for all health providers involved in the perinatal care of patients within those facilities.

HB 39 (Scott, Flood, Raymond)(H. CC) Would extend Medicaid coverage for doula services.

HB 43 (Baker and others)(To Senate) Would elevate religious services to the category of essential governmental services for purposes of treatment during declared emergencies under KRS Chapter 39.

HB 47 (McPherson and others)(H. CC) Would create an employer tax credit for promotion of organ and bone marrow donation.

HB 51 (Bechler and others)(H. Rules) Would provide that the license or certification of a child-care center shall not be refused or revoked for refusing to require facial coverings; allow parents and guardians of children enrolled in licensed, certified, or publicly funded child care facilities to refuse facial coverings on behalf of their children, prohibit requiring facial coverings on any public school premises, on school-sponsored transportation, or at a school-sponsored event; and prohibit requiring facial coverings on property owned, leased, or operated by public postsecondary education institutions.

HB 52 (Bechler and others)(H. CC) Would prohibit employers from discriminating against an individual who declines immunization or requiring immunization as a condition of employment or inquiring as to the employee's immunization status; and prohibit an employer from requiring an employee or applicant for employment to be immunized or inquiring regarding immunization status.

HB 57 (Hart and others)(H. CC) Would prohibit a public postsecondary educational institution from requiring a student to receive certain vaccinations unless the student is participating in an educational program that involves the delivery of health care services.

HB 59 (Stevenson and others)(H. CC) Would prohibit employers from preventing an employee to take family care leave; and would create entitlement for employees to family care leave for the birth of a child or to take care of a family member and establish parameters.

HB 63 (Bratcher and others)(S. Ed) Would require the assignment of school resource officers to schools by August 1, 2022 for all primary and secondary schools.

HB 66 (Tipton and others)(H. CC) Would require full-day kindergarten programs.

HB 67 (Scott, Flood, Raymond)(H. CC) Would require public middle and high school curriculum to include instruction on the history of racism.

HB 68 (Wheatley and others)(H. CC) Would extend the ending voting hours from 6 p.m. to 7 p.m.

HB 70 (Wheatley)(H. CC) Would remove straight-ticket voting as a voting option.

HB 71 (Banta and others)(H. CC) Would require peace officers and animal control officers to serve notice of seizure of an animal subjected to cruelty; create procedure for seizing agencies to petition a court to order payment of animal care costs by owner; and prohibit the destruction of seized animals, except for humane reasons determined by veterinarian.

HB 72 (Marzian, Willner, Flood)(H. CC) Would provide every individual the right to choose or refuse contraception, sterilization, to carry a pregnancy to term, give birth to a child, or terminate a pregnancy.

HB 78 (Westrom, Flood)(H. CC) Create a new section of KRS Chapter 337 to allow use of leave time for parents to grieve the loss of a child under the age of one year.

HB 81 (Scott)(H. CC) Would create the universal basic income of \$1,000 per month payable to any eligible recipient unless his or her reported gross income exceeds 100% of the median per capita income for his or her county of residence.

HB 83 (Kulkarni, Heavrin)(H. CC) 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 84 (Gooch)(H. CC) Would eliminate certain liability protections if an owner requires employees to receive a vaccination against COVID-19 and an employee suffers a severe adverse reaction as a result.

HB 86 (Bridges, Banta, Miller)(H. CC) Would establish a nonrefundable Kentucky affordable housing credit for taxable years or periods beginning on or after



January 1, 2025, for a period of five years; allow the credit to be applied to the income and insurance taxes.

HB 88 (Scott, Flood)(H. CC) Would require African history instruction in certain middle and high school world history and civilization courses; require Native American history instruction in certain middle and high school United States history courses.

HB 89 (Tate)(H. CC) Would include proximity to a military installation on the seller's real property disclosure of conditions form.

HB 99 (Wesley)(H. CC) Would exempt places of worship and religiously affiliated schools and day care centers from vaccine and face covering requirements.

HB 100 (Stevenson)(H. CC) 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 102 (Fister)(H. CC) Would require moments of silence or reflection at the start of each school day.

HB 105 (Westrom, Stevenson) Withdrawn

HB 106 (Westrom, Wheatley)(H. CC) Consumer protection measure would require businesses to present automatic renewal or continuous service offer terms clearly and conspicuously to consumers before purchase and make other consumer reforms regarding automatic renewals.

HB 109 (Donohue)(H. CC) Would establish a refundable income tax credit for the costs of mitigating noise from a commercial airport.

HB 111 (Donohue)(H. CC) Would delete references in current law restricting rights of public employees to organize, associate collectively, or strike.

HB 112 (Baker, Hart)(H. CC) Would prohibit required or coerced COVID-19 vaccination of a child without the consent of all parents, custodians, and guardians.

HB 113 (Wheatley)(H. CC) Would allow a registered independent the ability to vote in the primary of one political party.

HB 116 (Bojanowski, Kulkarni)(H. CC) Would 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 a renewal operator's license or an initial or renewal personal ID card.

HB 117 (McCool, Flannery, Hale)(S. Eco Dev) Would establish requirements for projects requiring structural steel welding such as certification of welders and certified inspectors.

HB 119 (Riley and others)(H. CC) Would prohibit a person employed by a school district from using corporal physical discipline.

HB 121 (R. Huff, T. Huff, Reed)(S. Ed) Would require a public comment period at local board of education meetings.

HB 122 (Maddon, Calloway, Rabourn)(H. CC) Would lower the age requirement for carrying a concealed and deadly weapon from 21 to 18.

HB 123 (Maddox and others)(H. CC) Would prohibit a governmental body or political subdivision of this state from entering into contracts valued at or above \$100,000 with a company that has ten or more employees and discriminates against firearm entities or firearm trade associations.

HB 124 (Maddox and others)(H. CC) Would repeal law permitting postsecondary facilities, local governments, and units of state government to limit concealed carry in governmental buildings.

HB 130 (Maddox and others)(H. CC) Would require an institution to adopt a policy to not restrict off-campus speech; extend free speech protections to staff and the public; provide that student religious and political organizations shall be afforded equal access to facilities; provide that authority vested with a student organization to distribute student organization funding shall be contingent on

viewpoint-neutral distribution of those funds; provide that there shall be no buffer zones to outdoor areas used as traditional public forums; reduce institution's authority to establish permit requirements; specify how an institution defines student-on-student harassment; waive immunity for claims brought under the Act; permit disciplinary action against a faculty member or administrator that knowingly and intentionally restricts the protected speech of another; suspend the distribution authority of a student organization that does not distribute student organization funding in accordance with the Act; prohibit retaliation against campus community members; require Council on Postsecondary Education to develop free speech instructional materials and model trainings for institutions; require institutions to present free speech instructional materials and trainings to designated individuals; require institutions to publish semiannual student organization funding reports; designate the required contents of the semiannual student organization funding report.

HB 131 (Scott)(H. CC) Would allow governing body of a consolidated local government to enact rent control ordinances in a development area.

HB 133 (Brown, Flood)(To Senate) Would make June 19 a state holiday commemorating Juneteenth National Freedom Day.

HB 134 (Hart, Reed)(H. CC) 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 136 (Names and others) Would establish medicinal cannabis program.

HB 139 (Donohue)(H. CC) Would require a preference for iron, steel, and manufactured goods made in Kentucky in construction and maintenance contracts and subcontracts, provide for a waiver of the Kentucky preference requirement, require preference for iron, steel, and manufactured goods made in the United States if the Kentucky waiver is granted.

HB 149 (Raymond, Bojanowski)(H. CC) Would establish a qualified terminally ill individual's right to voluntarily request medication to self-administer to cause death.

HB 150 (Raymond)(H. CC) Proposed constitutional amendment to establish the initiative power of the people to propose laws and to enact or reject proposed initiatives at an election.

HB 152 (Kulkarni)(H. CC) Would update the Uniform Residential Landlord and Tenant Act.

HB 156 (Scott)(H. CC) Would establish a cause of action for a person who was wrongfully convicted of a felony in the Commonwealth and establish the wrongful conviction compensation fund.

HB 158 (Maddox and others)(H. CC) Would prohibit state and local officials from enforcing, or assisting in the enforcement of, any federal law that does not exist under the laws of Kentucky and limits firearm ownership.

HB 159 (Kulkarni)(H. CC) Would provide automatic expungement of records in actions for forcible entry and detainer.

HB 160 (Kulkarni)(H. CC) Would specify duties of landlord with respect to abandoned personal property.

HB 161 (Rabourn and others)(H. CC) Would prohibit all federal, state, and local tax dollars from being used for lobbying purposes.

HB 168 (DuPlessis)(H. Elections) Would make elections for the offices of Commonwealth's attorney, circuit clerk, county attorney, county clerk, sheriff, jailer, and coroner non-partisan.

HB 172 (Rudy)(Became Law) Extended the filing deadline for all candidates for 2022 primaries to January 25, 2022.

HB 178 (Gooch) (H. CC) Would require employers that provide paid leave to employees who have been vaccinated against COVID-19 and are subsequently quarantined due to exposure to or diagnosis of COVID-19 to also provide the same type of paid leave to employees who have not been vaccinated and are required to be quarantined due to exposure to or diagnosis of COVID-19.

HB 179 (Nemes, Osborne)(Became Law) Bill amending Supreme Court Districts.

HB 180 (Stevenson)(H. CC) 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 181 (Stevenson)(H. CC) Would require employers to provide earned paid sick leave to employees.

HB 186 (Miller)(To Senate) Would impose heavy burden on imposition of reporting requirements by agencies for 501(c)3-designated charitable organizations beyond those which are authorized by the Kentucky Revised Statutes.

HB 187 (Prunty, Gentry)(H. CC) Would allow an income tax credit for qualified home modification expenses for persons with disabilities, incurred by an individual equal to the actual cost of the home modifications, up to \$7,500 per taxpayer per year.

HB 193 (Wheatley)(H. CC) Would extend the deadline to change one's party affiliation on his or her voter registration from December 31 immediately preceding the primary election to 30 days immediately preceding the primary election.

HB 196 (Bridges)(H. Rules) Would establish requirements for residential swimming pool barriers, gates, and covers.

HB 197 (Bridges) (H. CC) Would 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 a renewal operator's license or an initial or renewal personal ID card.

HB 199 (Westrom) (H. CC) Would prohibit indoor smoking in businesses, places of employment, and other listed public places; and require posting of "no smoking" signs at specified locations. Would also permit local governments to adopt stricter regulations by ordinance.

HB 201 (Willner, Scott, Kulkarni)(H. CC) Tax reform measure affecting numerous current taxes and exemptions.

HB 205 (Roberts, Flood)(H. CC) 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 208 (Blanton)(H. CC) Would allow more stringent safety and health administrative regulations than the corresponding federal standard if those administrative regulations are being re-promulgated and were in effect on or before July 1, 2021.

HB 209 (Graham and numerous others)(H. CC) Would appropriate moneys provide an increment of five percent in each fiscal year on the base salary or wages of each eligible state employee within the Executive Branch, the Legislative Branch, and the Judicial Branch.

HB 212 (Meredith, Freeland)(To Governor) Would delay fiscal courts initiation of reapportionment proceedings to 2023.

HB 214 (Johnson, Nemes)(To Senate) Would adjust and realign the geographic boundaries of numerous judicial districts across the Commonwealth, effective 2027.

HB 218 (T. Huff, Nemes, Fleming, Miller)(H. CC) Would reduce fees and waiting period for felony and misdemeanor expungement and record of acquitted or dismissed charge.

HB 224 (Kulkarni, Flood, Scott, Willner)(H. CC) Would decriminalize possession of cannabis for personal use.

HB 225 (Kulkarni, Flood, Scott, Willner)(H. CC) proposed constitutional amendment would guarantee the right of an individual 21 years of age or older to possess, use, buy or sell one ounce or less of cannabis and to cultivate, harvest, and store up to 5 cannabis plants for personal use.

HB 230 (Meade)(S. Judiciary) Would authorize intervention by the President of the Senate and the Speaker of the House of Representatives in actions challenging any legislative act, executive or state agency order, or administrative regulation; and reaffirm legislative or other privilege and immunity for the members or staff of the General Assembly or Legislative Research Commission.

HB 231 (Bechler and Reed)(H. CC) Would prohibit local governments from adopting sanctuary policies; provide for the withholding of state funding from sanctuaries; prohibit postsecondary educational institutions from enrolling, employing, or contracting with illegal aliens; require postsecondary educational institutions to keep records of immigration status; and provide for the withholding of state funding from postsecondary educational institutions that enroll, employ, or contract with illegal aliens.

HB 232 (Fischer, Hart, Maddox)(H. CC) 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, there is an approved plan to connect the property to a sanitary sewer owned or maintained by the sanitation district within five years, the property discharges storm water to a storm sewer or storm water improvement owned or operated by the sanitation district, the sanitation district's storm sewer controls storm water that flows to the property, or the person responsible for the charge has contracted with the sanitation district to provide the service

HB 236 (Kulkarni, Flood) (H. CC) Would require law enforcement agencies to possess a written policy and procedures manual related to hate crimes and require identification and reporting of crimes committed due to the victim's actual or perceived ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation.

HB 241 (Petrie and others)(S. Transp) Transportation Cabinet budget.

HB 242 (Petrie, Santoro, Reed)(H. CC) The 2022-2024 Biennial Highway Construction Plan.

HB 243 (Petrie, Reed)(To Senate) 2022-2024 Legislative Branch Budget

HB 244 (Petrie and others)(To Senate) Judicial Branch Budget

HB 248 (Eliot) (To Senate) Would prohibit the expenditure of any appropriation in support of a challenge to the constitutionality of any legislative act or resolution of the General Assembly, except for Attorney General.

HB 249 (Dixon)(S. L&O) Would exempt persons cleaning duct work from definition of "practice of heating, ventilation, and air conditioning contracting."

HB 253 (Maddox and Baker)(H. CC) Would prohibit the provision of or referral for gender transition procedures to any child under the age of 18 years, prohibit public funds to be used for the provision of or referral for gender transition procedures to a child under the age of 18 years; prohibit health care services provided under state, local, or county government to include gender transition procedures to a child under the age of 18 years; and prohibit Medicaid and health care coverage of gender transition procedures for a child under the age of 18 years.

HB 254 (Gooch and Flannery)(H. NR Energy)(Under review) Would include "rare earth elements" as natural resources for purposes of assessing unmined mineral tax and mineral severance taxes.

HB 258 (Tipton)(H. CC) Would prohibit the use of a personal communication device or stand-alone electronic device while operating a motor vehicle.

HB 269 (H. CC)(McCoy and others)(S. Judiciary) Would add a diagnosis of serious mental illness to the disabilities which prevent execution for persons convicted of capital offenses.

HB 271 (Calloway and Heath)(S. Ag) Would revise composition of Fair Council and Agrotourism Board.

HB 280 (Bratcher) (H. Rules) Would allow a candidate whose district number is altered pursuant to an enacted plan of redistricting or reapportionment the ability to use funds contained in his or her campaign account for an election to the



subsequent district where the candidate is then properly filed, and also to pay debt from the existing account.

HB 285 (Osborne)(H. CC) Proposed Executive Branch budget 2022-2024.

HB 286 (Osborne)(H. CC) Proposed Transportation Cabinet budget 2022-2024.

HB 287 (Osborne)(H. CC) Two-year highway construction (road) plan.

HB 288 (Osborne) (H. CC) Proposed Legislative Branch budget 2022-2024.

HB 289 (Osborne) (H. CC) Proposed Judicial Branch budget for 2022-2024.

HB 292 (Brown and others) (H. CC) Would make it a crime to unlawfully store a firearm and establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor.

HB 293 (Brown and others) (H. CC) Would prohibit employers from considering or requiring disclosure of prior criminal history as part of the initial job application.

HB 294 (Pratt) (H. Rules) Would require the Kentucky Communications Network Authority to offer eligible entities wholesale network access to the excess capacity on KentuckyWired only in unserved areas.

HB 298 (R. Huff)(H. CC) Would require school districts to provide full-day preschool; require that all four-year-olds residing in the school district and qualified three-year-olds be eligible.

HB 299 (Raymond, Flood)(H. CC) Would require health benefit plans to provide coverage for long-acting reversible contraception administered during a postpartum hospital stay; require Medicaid and KCHIP to comply with new section on long-acting reversible contraception coverage.

HB 300 (Raymond, Flood)(H. CC) Would require health benefit plans and Medicaid to provide coverage for contraception.

HB 301 (Flannery, Decker, McCool)(S. Rules) Reforms to election administration to require all costs and expenses related to election administration be paid for with public funds; prohibit a state governmental body employee from accepting anything of value to assist with election administration unless entered into as a lawful contract; prohibit a county clerk or local governmental body employee from accepting any private monetary funds to assist with voter registration activities unless accepted as part of a valid contract, require disclosure, and prohibit unbudgeted federal appropriations for expenditures related to election administration.

HB 303 (Fischer)(H. CC) Would prohibit the awarding of attorney's fees in an action challenging the constitutionality of any legislative district.

HB 306 (Pollock, Heath)(H. Rules) Updates agriculture department laws regarding pest and weed control to replace references to Johnson grass and thistle control with more generic references to noxious weed and pest control.

HB 311 (Massey)(To Senate) Would promote felony mediation as a way to resolve felony criminal cases.

HB 312 (Raymond)(H. CC) Would allow caregiving services as an allowable campaign expenditure.

HB 314 (Nemes, Bratcher, Fleming)(H. Rules) Would amend laws regarding consolidated local governments to, among other things, designate that the oversight committee to approve settlements or consent decrees, limit mayors to two consecutive terms, post January 1, 2023; allow for the formation of new cities within a consolidated local government, prohibit formation in certain areas, establish criteria for approval of the new cities, allow annexation of territory by cities within the consolidated local government; define powers of the county attorney in a consolidated local government; giving the legislative council 60 days to approve mayoral appointments; allow a member preferring a charge to participate in the discipline of legislative council members; and allow chief of police designee to undertake certain portions of an investigation concerning allegations against a peace officer.

HB 315 (Reed, Petrie)(H. A&R) Would appropriate \$300,000,000 in federal funds in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to the Broadband Deployment Fund.

HB 319 (Dotson, Thomas)(H. Judiciary) Would include violence against an animal when used as coercive conduct in the definition of domestic or dating violence and abuse; and allow a judge to award possession of a shared domestic animal to the petitioner.

HB 322 (Lockett)(H. CC) Would create a tax credit against the tax imposed under KRS 141.020 for qualifying contributions made to a Section 529 Kentucky Education Savings Plan trust account.

HB 323 (Miller) Withdrawn

HB 326 (Prunty and others)(S. Veterans) Would designate the Honor and Remember flag as the state's emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty; and specify locations, dates, and circumstances under which the flag may be displayed.

HB 330 (Massey)(H. Rules) Would make payment to any person by a candidate or committee, or any person acting on behalf of a candidate or committee, for the purpose of transporting a voter to the polls a Class B misdemeanor.

HB 334 (Baker)(H. Rules) Would increase the fine against a disobedient witness or an attempt to corrupt a legislator from \$1,000 to \$15,000, and reorganize the Executive Branch Ethics Commission, terminating the current membership and increasing the number of members from five to seven, and require the Executive Branch Ethics Commission to make findings for complaints regarding whether they are grounded in fact, warranted by law, and filed in good faith.

HB 344 (Wesley)(S. NR Energy) Amending existing law dealing with hunting and fishing licenses.

HB 351 (Frazier Gordon)(S. State Govt) Would allow local governments to submit to the state or the Legislative Research Commission an affidavit in lieu of a record

that has been lost, damaged, or destroyed that was required to be submitted; and allow a government entity to require the production of the information contained in the record if necessary for governmental operations.

HB 357 (Jenkins)(H. CC) Would raise the state minimum wage to \$8.20 per hour on the effective date of the Act, \$9.15 per hour on July 1, 2023, \$10.10 per hour on July 1, 2024, \$11 per hour on July 1, 2025, \$12.05 per hour on July 1, 2026, \$13.10 per hour on July 1, 2027, \$13.95 per hour on July 1, 2028, and \$15 per hour on July 1, 2029; raise the state minimum wage for tipped employees to \$2.13 per hour on the effective date of the Act, \$3.05 per hour on July 1, 2023, \$3.95 per hour on July 1, 2024, and \$4.90 per hour on July 1, 2025; and allow local governments to establish minimum wage ordinances in excess of the state minimum wage.

HB 367 (Stevenson)(H. CC) Would provide that an employer shall not require a low-wage employee to enter into a covenant not to compete, and would create right of action, penalties, and anti-retaliation protections.

HB 368 (Stevenson)(H. CC) Would make the termination of employment without cause unlawful and would create remedies.

HB 369 (Stevenson)(H. CC) Would prohibit employers from preventing an employee to take family care leave, and to entitle employee to family care leave for the birth of a child or to take care of a family member.

HB 376 (Willner)(H. CC) Would require a public comment period of at least 15 minutes or until comments end, whichever occurs first, for all committee meetings of the General Assembly.

HB 378 (Scott)(H. CC) Would amend numerous laws to remove references to charter schools.

HB 382 (Roberts)(H. CC) 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 388 (Koch)(To Senate) Would prohibit the expenditure of any appropriation in support of a challenge to the constitutionality of the statute, except in the case of the Attorney General.

HB 391 (Frazier Gordon)(S. Eco Dev.) Department of Parks Reorganization bill.

HB 399 (Branscum, Bray)(S. State Govt) Would delete requirements for a public hearing and notifications concerning public hearings by a local government receiving economic development funds; require local governments to provide for public input into the expenditure of public funds for economic development; increase exemption for city audit from \$75,000 to \$150,000; delete requirement for a public hearing and substituting a requirement for a public meeting on the expenditure of road funds.

HB 400 (Koenig)(H. CC) Would remove protections against employment discrimination based on an individual's status as a smoker or nonsmoker.

HB 401 Withdrawn

HB 406 (Frazier Gordon)(H. CC) Would amend existing law to require administrative regulations to be promulgated within 90 days of the effective date of a bill mandating the regulation or end of the session in which the bill so mandated, and providing that a 30 day extension can be requested from the Administrative Regulation Review Subcommittee, and that if an agency fails to meet the deadline it can be called before the Legislative Research Commission and compelled to explain why. KRC is unaware of any persistent problem in this regard warranting the bill. If the General Assembly wants a set of regulations adopted within a time certain, it can so provide in a bill, and mandamus is available if the agency fails to meet a statutory deadline.

HB 407 (Wheatley)(H.CC) Election reforms, would require that a voter be a resident of the state and precinct on or before the day of a primary or an election for voter registration purposes; to allow a person who is not a registered voter prior to the time that the registration books are closed, and who possesses all other qualifications for voter registration, to register at the person's precinct of residence on the day of a primary or an election if the person confirms his or her identity, completes the registration form and a required oath; provide that each

application for a motor vehicle driver's license shall be a simultaneous application for voter registration unless declined by the applicant (so-called “motor – voter”); provide convenience of the voter as a basis for absentee voting and to 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 2 Saturdays before an election; and extend the ending voting hours from 6 p.m. to 7 p.m.

HB 408 (Scott)(H. CC) Would provide additional free speech protections for student journalists.

HB 424 (Raymond)(H. CC) Would grant local governments the authority to adopt and enforce ordinances that require employers in their jurisdiction to provide paid leave to employees and set a higher minimum wage than state and federal rates.

HB 426 (Raymond)(H. CC) Would add protections to state law against discrimination based on weight.

HB 427 (Raymond)(H. CC) Would require employers with 50 or more employees to provide 12 weeks of paid parental leave for an employee who has been employed for at least one year.

HB 428 (Raymond)(H. CC) Would remove state preemption of local firearms regulations and allow local governments to enact ordinances regulating firearms.

HB 429 (Raymond)(H. CC) Would allow a local government to set an alternative time period from the date of the service of the warrant and the date of the hearing to more than the minimum of three days.

HB 430 (Moser and others)(H. Rules, Recommitted to H. B&I) Would prohibit an insurer from denying, or conditioning the effectiveness of, a Medicare supplement policy, or discriminating in price, based on the age, gender, health status, claims experience, receipt of health care, or medical condition of an applicant or a person covered under the policy.

HB 440 (Raymond)(H. CC) Would allow a city to establish a mandatory preference for awarding public construction project contracts to unions through a negotiated

project labor agreement; and allow cities to negotiate wages that are higher than the state or federal minimum wage as a condition of the project labor agreement.

HB 441 (Raymond)(H . CC) Would permit a city to enact prevailing wage ordinances.

HB 450 (Bojanowski)(H. CC) Would require law enforcement training on the link between animal abuse and certain offenses against people.

HB 459 (Petrie) (S. A&R) Would appropriate Federal Funds to the broadband deployment fund.

HB 460 (Jenkins)(H. CC) Would extend the maximum effective dates of executive orders issued by the Governor to 270 days unless an extension is approved by the General Assembly; remove the General Assembly's power to terminate a declaration of emergency; rescind the Commonwealth's waiver of immunity for cases brought as a result of declarations of emergency; expand the Governor's ability to exercise emergency executive powers to promote and secure the safety and protection of the civilian population; remove the Governor's obligation to report to the General Assembly during an extended declaration of emergency; automatically suspend statutes and administrative regulations that conflict with an emergency order or emergency administrative regulation; remove the 30-day limitation on administrative regulations that restrict the in-person meeting of schools, businesses, places of worship, or local governments.

HB 461 (Donohue)(H. CC) Would require local school boards to ensure at least one school resource officer works full-time on-site at each school in the district by July 1, 2025 and allow school resource officers to carry a taser or a firearm.

HB 468 (Raymond, Nemes)(H. CC) Would provide state employees a paid leave of absence of 12 weeks for the birth or adoption of a child.

HB 475 (Meredith and others)(To Senate) Propose constitutional amendment to allow legislature to authorize a county, city, town, or municipal corporation to assess and collect local taxes and fees that are not otherwise in conflict with the Constitution.

HB 476 (Meredith and others)(To Senate) Authorizing legislation if HB 475 constitutional amendment were adopted, would allow local governments the power to levy all taxes not in conflict with the Constitution and authorized by the General Assembly.

HB 483 (Nemes, Miles)(H. CC) Would allow a credit for substantially identical severance or processing taxes paid to another state or political subdivision thereof.

HB 486 (Bray)(H. Ag) Would allow certain USDA-exempted poultry processors to sell to end consumers on a farm, at a farmers market, or at a roadside stand. A case of poultry in motion.

HB 487 (Lockett and Decker)(H. CC) Would direct that no school shall offer any classroom instruction, discussion, or instructional materials that promote bigotry, revisionist history, or critical social justice; provide that nothing in the section shall be interpreted to prohibit academic instruction on the historical existence of bigotry or revisionist views of history or to regulate the conduct or speech of students; provide that a teacher who chooses to discuss a current topic shall strive to explore the topic from diverse and contending perspectives; prohibit schools from awarding credit for designated political activities; prohibit schools from accepting private funds for curriculum development or choice of curricula or trainings; set forth the administrative procedures for specific violations; create a cause of action for students and parents.

HB 491 (Westrom)(H. CC) Would amend ethics laws to require disclosure of the name of a client paying more than \$1,000 annually to a consulting firm owned by a legislator or spouse of a legislator, or that employs a legislator or spouse of a legislator, in a statement of financial disclosure; excluding a legislator or spouse of a legislator who is an attorney.

HB 495 (Prunty)(H. CC) Would establish protections from governmental discrimination against any person or organization for sincerely held religious beliefs and moral convictions regarding the sex of individuals who may enter into marriage.

HB 508 (Hatton)(H. CC) Would reduce the sales and use tax to 5% for one year.



HB 509 (Gentry) (H. CC) Would create a prevailing wage law for all public works projects.

HB 511 (Gentry) (H. CC) Would designate coal as the official rock and designate Kentucky agate as the official mineral of Kentucky.

HB 521 (Roberts) (H. CC) Would legalize and regulate cannabis cultivation, processing, transportation, sale, use, taxation, and licensing.

HB 527 (Timoney) (H. CC) Would create a student loan forgiveness program for teachers and administrators teaching in federally designated promise zones.

HB 534 (Kulkarni) (H. CC) Would create a qualified right of a terminally ill patient to voluntarily request medication to self-administer to cause death.

HB 537 (Wheatley) Withdrawn

HB 549 (Bratcher) (H. CC) Proposed constitutional amendment would require Court of Appeals and Supreme Court of Kentucky to render a decision within 90 days of a final hearing on the case.

HB 564 (Branscum and others) (H. Rules) Would amend several election laws pertaining to no-excuse in-person absentee voting, establishing excused in-person absentee voting, prohibiting the early disclosure of unofficial ballot count totals, requiring a tamper resistant seal to be placed on voting equipment, recording the public counter on voting machines before and after the days of in-person absentee voting, changing the time from which the State Board of Elections is required to furnish the county clerk with the appropriate voter registration list prior to an election from five to six days, permitting a disabled voter and military and overseas voters the ability to use the same electronic transmission system for requesting mail-in absentee ballots, removing the requirement that a voter return a mail-in absentee ballot seven days prior to an election, central ballot counting board requirements, ballot box requirements, location designation for the counting and reviewing of mail-in absentee ballots, prohibitions relating to voting equipment and systems from being connected to the internet, requirements relating to securing and locking voting equipment and voting systems, submission

of precinct-by-precinct summary reports, requirements relating to the in-person absentee ballot signature roster, requiring a secure online connection for the transmittal of unofficial election results, requirements relating to external devices used to upload election results, requirements related to election officers duties of election administration, requiring the State Board of Elections to promulgate administrative regulations, changing the filing deadline for unexpired terms of partisan races, and creating a Class D Felony for any person who directly connects or attempts to directly connect a voting machine, voting equipment, or voting system to a public network, including the Internet; EMERGENCY.

HB 568 (DuPlessis)(H. CC)(Under review) Would establish excise and use taxes on electric and hybrid vehicles.

HB 582 (Stevenson)(H. CC) Would establish a medicinal cannabis program.

HB 585 (Minter)(H. CC) Would amend civil rights laws to allow parties to recover punitive damages.

HB 586 (Pratt, Decker)(H. CC) Would establish consumer rights relating to personal data.

HB 587 (Bechler)(H. CC) Would include source of income as a prohibited form of discrimination.

HB 592 (Wheatley)(H. CC) Would allow collective bargaining for public employees.

HB 599 (Huff)(H. CC) Would make a number of local elections partisan, including county commissioners, mayors and legislative body members, all city offices, city wards, boards of education, and soil and water conservation officers.

HB 697 (Maddox)(H. CC) Proposed constitutional amendment to guarantee that the right of an individual to refuse any medical procedure, treatment, injection, device, or prophylactic may not be questioned or interfered with.

HB 706 (Decker, Lockett)(H. CC) Would prohibit trainings that promote “bigotry, critical social justice, or revisionist history.”

HB 707 (Smith)(H. CC) Would regulate and tax peer-to-peer car sharing companies.

HB 709 (Banta)(H. CC) Would establish crimes of animal abuse in the first degree and animal abuse in the second degree; authorize law enforcement and animal control officers to seize and hold animals who are victims of cruelty or abuse; allow a seizing agency to seek forfeiture and reimbursement for reasonable costs of caring for seized animals from the owner of the animal in the criminal case.

HB 716 (Flannery)(H. CC) 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 734 (Willner, Herron)(H. CC) Would expand scope of permissible civil suits for deprivation of civil rights to include peace officers who have interfered or attempted to have interfered with a person photographing, recording, or broadcasting peace officers in the public performance of their duties.

HB 735 (Willner, Herron)(H. CC) Would provide that photographing or recording peace officers in the public performance of their duties is not unlawful.

HB 749 (Cantrell)(H. CC) Would increase the civil penalties for employers who have violated occupational health and safety laws.

HB 754 (Nemes, Blanton)(H. CC) Proposed constitutional amendment to allow holding a person after arrest without bail when a judge finds, following a hearing, that the person may flee or poses an imminent danger to self or to others.

HB 760 (Baker)(H. CC) Would set forth proof of ownership requirements for the purchase of catalytic converters and establish that the failure to maintain a register of metal and objects containing metals is a Class B misdemeanor.

HB 766 (Palumbo)(H. CC) Would require original equipment manufacturers to provide all materials needed to diagnose, maintain, and repair consumer goods to consumers and independent repair providers.

HB 775 (Massey)(H. CC) Would provide COVID-19 liability protection to public educational institutions when complying with recommended guidelines.

HB 779 (Maddox)(H. CC) Would prohibit the use of social credit scores; prohibit the violation of an individual's constitutional rights based on predictive behavior analysis; prohibit the use of social credit scores in lending and investing; allow the use of financial credit scores.

## **House Resolutions**

HR 1 (Rudy)(Adopted) The Rules of Procedure for the 2022 Regular Session of the House of Representatives. Among the rule changes was the elimination of the requirement that prior to a bill being heard in a house committee, it be “posted” at least a legislative day beforehand in order to provide notice of the upcoming committee consideration of the measure.

HCR 11 (Reed, Rowland, Rudy, Tate) Concurrent resolution would urge Congress to enact legislation allowing states to permanently adopt daylight saving time.

HCR 14 (Bentley, King, Tate) Concurrent resolution would urge federal policymakers to expedite research regarding the safety and efficacy of the use of marijuana for medical purposes.

HR 21 (Reed, King)(H. Ag) Simple resolution recognizing October 12, 2022, as National Farmers Day.

HR 26 (Heath and numerous others) Simple resolution honoring Kentucky's farmers for helping provide citizens with the most nutritious and affordable food in the world, and recognizing February 20 to 26, 2022, as Food Check-Out Week in Kentucky.

HJR 29 (Osborne, Health, Santoro)(signed by Governor) Joint resolution extending certain executive orders, including emergency executive orders and administrative regulations, relating to the December 10, 2021, and December 31, 2021, storms and declare that the extended orders expire on April 15, 2022.

HJR 37 (Osborne)(H. CC) Joint resolution would adopt last 4 years of 6-year road plan as a resolution (needed because budget is for a two-year period).

HJR 41 (Bowling)(H. Aghb 589) Joint resolution would direct the Department of Revenue and the University of Kentucky's Department of Forestry and Natural Resources to submit a report to the Legislative Research Commission detailing their recommendations for equitable property tax assessment procedures for well-managed forests.

HR 52 (Scott)(H. CC) Simple resolution urging the Kentucky Congressional Delegation to support the Green New Deal.

HR 74 (Maddox and others) Resolution would urge the General Assembly to oppose the adoption of a "Red Flag" law, or any legislation intended to infringe upon a law-abiding citizen's right to keep and bear arms as afforded by the Second Amendment to the United States Constitution.

HJR 82 (Petrie, Santoro, Reed) Would provide that the General Assembly shall adopt the last four years of the six-year road plan as a joint resolution.

HCR 83 (Roberts) Would create a task force to study and make recommendations related to the legalization, taxation, and use of cannabis in the Commonwealth.

HJR 87 (Nemes and Massey)H. CC) Would create a subcommittee of the Interim Joint Committee on Judiciary to study revisions to the penal code.

## **Senate Bills**

SB 2 (Mills, Stivers)(To Governor) Senate redistricting bill.

SB 3 (Mills, Stivers) (Vetoed, veto overridden, became law) Redistricting bill for Congressional Districts.

SB 4 (West)(S. CC) Would create a process for legislative committees to review and object to executive orders; require the LRC to draft a bill each regular session to declare executive orders which have been objected to void, and reduce the

time the Governor or other appointing authority has to deliver letters of appointment to the LRC from seven calendar days to two working days.

SB 5 (Howell and others) Replaced by identical House Bill 5, it appropriated funds for western Kentucky tornado relief.

SB 13 (Thomas, McGarvey, Harper Angel)(S. A&R) Would incrementally raise minimum wage for small and large employers to \$12.00 an hour and \$15.00 an hour respectively; and include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.

SB 20 (Stivers)(Became Law) Would set venue for an action challenging the constitutionality of any created legislative district in the Circuit Court of the plaintiff's residence.

SB 22 (Neal)(S. State Local Govt) Would make June 19, "Juneteenth National Freedom Day," a state holiday for state employees.

SB 24 (Berg) (S. Veterans) Would require the destruction of confiscated firearms.

SB 26 (Schickel, Hornback, Meredith)(S. Ag) Would require retail food stores to provide state of origin and season of harvest information for fresh produce.

SB 30 (Storm)(H. Rules) Would allow a person applying online for motor vehicle registration renewal to donate to an organ donor program and allow a person applying for online motor vehicle registration renewal to express willingness to be an organ donor.

SB 35 (Alvarado)(S. NR Energy) Would revise current law regarding safe boating certification to require boater to carry card, and provide that in addition to other penalties, a boater shall be required to complete a safe boating certification course for violation of safe boating certification requirements; allow for both

monetary and imprisonment penalties to apply for offenses relating to reckless or negligent boating or boating under the influence.

SB 36 (Neal)(S. H&W) Would require LRC staff to identify and notify sponsor and Cabinet for Health and Family Services of any bill, amendment, or committee substitute that would have a health disparity impact.

SB 46 (Meredith)(H. CC) Would prohibit a contract being awarded to a bidder if the bidder was awarded the same or similar contract through the use of an executive agency lobbyist who was convicted of a crime related to the contract for five years after the conviction of the lobbyist.

SB 47 (Meredith)(S. Judiciary) Would abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death.

SB 53 (Hornback and Parrett)(H. CC) Would include heavy or specialized equipment acquired by the Soil and Water Conservation Commission with the types of equipment that the board of a conservation district may make available or lease to landowners and occupiers within the district.

SB 54 (Hornback, Parrett, Meredith)(H. CC) Would modify current law to allow the Kentucky Association of Conservation Districts to submit names of nominees for state Soil and Water Conservation Commission.

SB 57 (Schickel)(S. Ed) Would delete the Kentucky efficient school design trust fund; delete the reporting requirement for efficient design; and eliminate requirement for water bottle filling stations and drinking fountains in new schools to be built.

SB 65 (West)(H. CC) Would nullify proposed amendments to an administrative regulation after those amendments were found deficient during the 2021 legislative interim.

SB 72 (Southworth)(S. Ag) Would designate domestic cats and dogs that reside in or have been adopted from Kentucky animal shelters or rescue organizations as the official pets of Kentucky.

SB 76 (Turner)(S. State Local Govt) Would require fiscal courts and county school districts to initiate, complete, and publish reapportionment plans on or before January 20, 2022.

SB 77 (Meredith)(S. State Local Govt) Would require candidates for state constitutional offices and the general assembly to be elected by ranked choice voting and establish the process relating thereto.

SB 84 (Mills, Wilson, Wheeler)(S. H&W) Would prohibit the provision of or referral for gender transition procedures to any child under the age of 18 years and prohibit public funds, Medicaid, and health plan coverage for the provision of or referral for gender transition procedures to a child under the age of 18 years.

SB 85 (Harper Angel)(S. Ag) Would prohibit retail pet shops from selling dogs, cats, and rabbits an; allow retail pet shops to collaborate with animal shelters to showcase dogs, cats, or rabbits.

SB 88 (Givens)(H. CC) Bill anticipating adoption of constitutional amendment, would establish parameters for the General Assembly when called into session by Joint Proclamation; and amend KRS 6.190 and 6.211 to adjust the compensation of members of the General Assembly during a veto recess period.

SB 93 (Girdler, Southworth, Mills)(S. Judiciary) Would require employers that mandate employee immunization to allow exceptions based on religious belief or conscientious objection to immunizations.

SB 103 (Neal)(S. L&O) Would require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations pertaining to criminal laws, pretrial detention, sentencing, probation, and parole.

SB 110 (Thomas)(S. Rules) Act amending laws concerning partitioning of “heir property.”



SB 114 (Westerfield)(S. Rules) Would require purchasers of catalytic converters to keep a record that contains proof of ownership and make failure to maintain a register of metal and objects containing metals is a Class B misdemeanor.

SB 115 (McGarvey)(S. Judiciary) Would allow a consolidated local government to establish a citizen review board independent of the police department.

SB 120 (Carroll)(S. Rules) Would allow local boards of education to establish a police department for local school districts.

SB 122 (Southworth)(S. B&I) Would remove from the definition of "proof of identification" a student or employee identification document used to confirm a voter's identity; and remove a credit or debit card as a secondary form of identification to confirm a voter's identity.

SB 124 (Wheeler)(H. Transp) Would allow a person whose valid Kentucky commercial driver's license or operator's license has been expired for less than five years to renew the license without having to take knowledge and skills tests.

SB 129 (Alvarado)(S. Ed) Would require a governing board of a public postsecondary education institution to adopt a code for student conduct; establish minimum procedural requirements for a nonacademic violation when the violation is punishable by a suspension, expulsion, or termination of student housing, including a presumption of innocence, written notice, maintenance of an administrative file, the right to be present and participate meaningfully, the right to fair and impartial treatment, and the ability to bring a support person; establish enhanced minimum procedural requirements for a nonacademic violation when the violation is punishable by a suspension of three days or more, expulsion, or termination of student housing.

SB 135 (Howell)(To House) Would establish deadlines for county clerks to maintain portals for the electronic filing and searching of recorded instruments.

SB 137 (Kerr and others)(S. H&W) Would prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under 18 years of age.

SB 138 (Wise, Mills)(To House) Effort to foster “teaching American Principles” by regulating content and methods of instruction in public school regarding race, sex, and religion.

SB 139 (McGarvey)(S. Ed) Would prohibit a person employed by a school district from using corporal punishment and remove corporal punishment as a form of discipline in a school.

SB 141 (McGarvey, Adams)(S. State Local Govt) Proposed constitutional amendment to authorize the General Assembly to define, permit, oversee, and regulate all forms of otherwise permissible gaming, and require 100% of net gaming proceeds to go to early childhood education and childcare programs.

SB 145 Withdrawn

SB 148 (Hornback, Carpenter)(H. Ag) Would create a new definition for the state building code of a “controlled environment agriculture facility.”

SB 149 (McDaniel)(To House) Proposed constitutional amendment to limit the Governor's ability to grant pardons and commute sentences.

SB 150 (Mills)(S. A&R) Would appropriate additional funds for western Kentucky tornado relief.

SB 159 (Thomas)(S. State Local Govt) Would liberalize rules on absentee voting.

SB 166 (Schroder)(S. H&W) Would allow local governments to impose restrictions or requirements on the use, display, sale, or distribution of tobacco products or vapor products that are stricter than those imposed under state law.

SB 168 (Givens)(S. NR Energy) Provides mechanism for challenges to distribution cooperative extension of broadband service to unserved or underserved areas by other providers.

SB 169 (Webb)(S. Ag) Would prohibit local government bans on agritourism activities, including the lawful utilization of livestock or poultry for entertainment or educational purposes and shall include horseback riding, horse-drawn carriage

rides, livestock and poultry shows, petting farms, rodeos, activities that historically involved the utilization of working animals, and other substantially similar activities.

SB 172 (Adams, Girdler)(S. State Local Govt) Would direct the Kentucky Emergency Operations Plan to establish and include an emergency response plan for household pets and assistance animals.

SB 176 (Westerfield)(S. Veterans) Would require the Kentucky Law Enforcement Council to adopt a model facial recognition technology policy by January 1, 2023, to govern use of facial recognition technology.

SB 180 (Nemes)(To House) Would merge the existing Education and Workforce Development Cabinet and the Labor Cabinet into an Education and Labor Cabinet.

SB 182 (Yates)(S. Judiciary) Would allow court to waive expungement fees on a finding of indigence.

SB 186 (McGarvey, Yates)(S. A&R) Would legalize and regulate the cultivation, processing, transportation, sale, use, taxation, and licensing of cannabis.

SB 193 (Southworth)(S. Judiciary) Would make it unlawful for a state agency to discriminate against a person based on his or her access to electronic means to obtain benefits or gain access to public buildings.

SB 216 (Mills and Wilson)(S. Rules) Would expand the Attorney General's independent inquiry of potential election irregularities from not fewer than 5% of Kentucky counties to not fewer than 12 counties; amend KRS 117.228 to remove credit or debit card as a voter's secondary form of proof of identification; amend KRS 117.125 to require all voting systems to be approved in accordance with prescribed requirements by January 1, 2024.

SB 221 (Webb)(S. Transp) Would allow the operation of off-highway vehicles on certain roadways in the Commonwealth and set rules.

SB 223 (Neal and others)(S. State Local Govt) Proposed constitutional amendment to 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 three years after completion of their imprisonment, probation, or parole.

SB 267 (Higdon)(S. State Local Govt) Proposed constitutional amendment increasing the homestead exemption up to an assessed valuation of \$100,000 for owners with a permanent and total 100 percent service-connected disability rating by the United States Department of Veterans Affairs.

SB 273 (McGarvey)(S. Eco Dev) Would make an employer with one employee to be subject to the wage discrimination requirements.

SB 275 (McGarvey, Neal, Adams)(S. CC) Would provide an enhanced term of imprisonment for any defendant convicted of certain crimes when the defendant intentionally selected the person because of that person's actual or perceived race, color, ethnicity, national origin, religion, mental or physical disability, gender identity or expression, or sexual orientation.

SB 187 (Thomas)(S. CC) Would add three hours of in-service training every other year for certified officers on the subject of peace officer intervention responses when encountering persons with mental illnesses, autism spectrum disorder, and other neurological and developmental disorders.

SB 291 (Berg)(S. H&W) Would establish child abuse, neglect, and exploitation-related recognition training for certain licensed health care or mental health professionals.

SB 295 (Southworth)(S. Veterans) Would modify the types of school facilities where weapons are prohibited; state that the prohibition of weapons on school grounds only applies when entrances to the school buildings display a sign indicating that unlawfully possessing a weapon in a school is a felony.

SB 305 (Yates and others)(S. Judiciary) Would remove penalties for possession, cultivation, or trafficking of up to eight ounces, or five plants, of marijuana.

SB 313 (Storm)(S. CC) Would prohibit any charitable bail organization from posting bail or bond for any offense that is not a misdemeanor; limit any bail

posted to no more than \$2,000; prohibit any charitable bail organization from posting bail or bond for any offense of domestic violence.

SB 320 (Neal)(S. CC) Would prohibit censorship of history curriculum; permit a school or school district to offer equity, diversity, and inclusion curricula, programing, initiatives, and instruction.

SB 334 (Southworth)(S. CC) Proposed constitutional amendment to allow voting rights to persons convicted of certain felonies.

SB 338 (Neal)(S. CC) Would provide convenience of the voter as a basis for absentee voting and to permit any qualified voter the ability to vote in-person absentee during normal business hours on at least any of the twelve working days and two Saturdays before an election.

SB 339 (Smith)(S. CC) Would prevent an overlay district established by a local government from prohibiting a property owner's ability to paint structures with traditional colors that exist on other structures within the same overlay district.

SB 350 (Wheeler and others)(S. CC) Would restrict nominees to appointed positions that require Senate confirmation from assuming the duties of the position until they are confirmed by the Senate; allow the Governor or other appointing authority to fill a vacancy to achieve a quorum necessary to conduct business to serve with all power until the next regular or special session; allow a person appointed by the Governor or other appointing authority to serve until his or her appointment expires or a successor is appointed and confirmed by the Senate.

SB 351 (Wise)(S. CC) Would require each school district's COVID-19 masking policy to allow parents to opt out for any reason.

SB 352 (Yates)(S. CC) Would create a domestic violence registry.

SB 353 (Webb, Southworth)(S. CC) Would clarify membership requirements for directors of the Kentucky River Authority.

SB 355 (Parrett)(S. CC) Would create a Committee on Legislative Redistricting, composed of state university faculty appointed by presidents of Kentucky's state universities to develop redistricting plans for state legislative and United States congressional districts.

SB 356 (Alvarado)(S. CC) Would include members of Kentucky Fish and Wildlife Resources Commission in jurisdiction of Executive Branch Ethics Commission.

SB 357 (Neal, McGarvey)(S. CC) Would allow governing body of a consolidated local government to enact rent control ordinances on private property in a development area. Intended to address concerns regarding rent increases in the West End TIF district.

SB 358 (Southworth)(S. CC) Would an employer from conditioning employment or access to business premises on an employee or individual obtaining a vaccination passport or providing protected health information and prohibit employer discrimination on the basis of a health condition or in application of workplace policies.

SB 359 (McGarvey)(S. CC) Would require appointment of a guardian ad litem for any unrepresented minor who is a party to the action or on behalf of whom a petition for an interpersonal protective order, emergency protective order, or domestic violence order has been filed.

SB 360 (McGarvey)(S. CC) Would make an employer with as few as one employee subject to wage discrimination laws.

SB 362 (McGarvey)(S. CC) Would allow Lexington and Louisville to make an agreement with a labor organization to require as a condition of employment membership therein.

SB 363 (Neal)(S. CC) Would provide that school disciplinary codes shall prohibit discrimination on the basis of race, including hairstyle and other traits associated with race historically.

SB 369 (Yates, McGarvey)(S. CC) Would eliminate defendant detention on money bail; provide circumstances when a defendant may be released on his or her own

recognizance and provide for factors to be considered when making a pretrial release determination.

SB 377 (Harper Angel)(S. CC) Would the State Board of Elections to create and make available multilingual voter registration forms.

SB 382 (McGarvey)(S. CC) Would create a prevailing wage law for all public works projects.

### **Senate Resolutions**

SR 2 (Stivers) (adopted) The Rules of Procedure for the 2022 Regular Session of the Senate.

SR 15 (McGarvey) Simple resolution honoring the memory of Representative Brent Yonts.

SR 16 (McGarvey) Simple resolution honoring the life and memory of David Hawpe.

SR 22 (Neal and numerous others)(adopted) Simple resolution adjourning the Senate in memory and honor of Representative Darryl Owens.

SR 26 (Hornback)(Adopted) Simple resolution honoring Kentucky's farmers for helping provide citizens with the most nutritious and affordable food in the world, and recognizing February 20 to 26, 2022, as Food Check-Out Week in Kentucky.

SR 36 (McDaniel) (Adopted) Simple resolution condemning any unjust practices and violations of human rights against the people of Cuba, and their families, domestic and abroad.

SJR 80 (Alvarado)(To House) Would require Kentucky agencies to recognize individuals whose serology test results show measurable neutralizing antibodies to COVID-19, quantified above the 20th percentile of the population of immunized individuals, as equivalent to being fully vaccinated against the virus that causes COVID-19.

SCR 133 (Yates, McGarvey)(S. Judiciary) Would create a task force to study and make recommendations related to the legalization, taxation, and use of cannabis in the Commonwealth.

SJR 150 (Douglas and others)(To House) Would terminate the declaration of emergency regarding the SARS-COV-2 virus in 2020 Executive Order 2020-215 and all subsequent actions directives based upon the declaration of emergency in 2020 Executive Order 2020-215.

SJR 158 (Thomas)(S. Ed) Would direct the Kentucky Department of Education to create a task force to examine the equity and inclusivity of racial and demographic representation in education curricula.

SR 161 (Southworth)(S. Veterans) Would amend Senate Rules to provide for pledge of allegiance to the Flag of the Commonwealth to follow the Pledge of Allegiance.

SCR 171 (Carroll)(S. CC) Would have LRC examine funding sources and research institutions capable of conducting a feasibility study of advanced nuclear energy technology for electric power generation in the Commonwealth.