

CENTER FOR ENVIRONMENTAL POLICY

Legislative Update

2022 General Assembly Week #3
Complete as of January 21 End of Day



2022 General Assembly Regular Session Bills We're Watching: Second Edition

The 2022 General Assembly has begun 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 13, January 21, 2022. There are 47 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 these dates: February 21, March 14, 21, and 28th.

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!)

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. The legislative update will be refreshed each Friday afternoon when the General Assembly is in session.

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>

To find your legislators email, go

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

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.

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)(To Senate)(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)(H. NR Energy)(+) 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 bill is expected containing revisions, including two sought by KRC, that will further strengthen the bill language and will exclude conversion of plastics for fuel as advanced recycling.

HB 77 (Bratcher)(H. Rules) (+) 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)(+, 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)(+) 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)(+) 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)(H. 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 has requested that the sponsor consider broadening the application to include “hazardous liquids pipelines” as well, and that is under discussion with stakeholders and the sponsor.

HB 222 (Kulkarni, Nemes)(+) 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)(+) 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)(+) “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)(H. CC)(-) 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.

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) (+) 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)(H. CC)(+) 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.

Senate Bills

SB 28 (Girdler, Hornback, Adams, Meredith, Parrett)(S. NR Energy)(-) 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.

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. 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" 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 89 (Southworth and others)(S. NR Energy)(Under review) Would modify laws governing the Kentucky River Authority to change membership including removing Energy and Environment Cabinet employee from membership.

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.”

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

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

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

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

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

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

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

HB 28 (Maddox and others) 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) Would prevent state and local government officials from enforcing federal firearm bans.

HB 31 (Scott and others) 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) (H. Rules) 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) Would exempt firearms and ammunition from sales and use taxes.

HB 37 (Scott, Flood, Raymond) 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) Would extend Medicaid coverage for doula services.

HB 43 (Baker and others) 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) Would create an employer tax credit for promotion of organ and bone marrow donation.

HB 51 (Bechler and others) 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) 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) 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) 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) 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) Would require full-day kindergarten programs.

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

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

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

HB 71 (Banta and others) 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) 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) 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) 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) 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) 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) 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) 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) Would include proximity to a military installation on the seller's real property disclosure of conditions form.

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

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

HB 105 (Westrom, Stevenson) Would amend disclosure requirements to include the names of clients paying more than \$1,000 annually to a consulting firm owned by a legislator or spouse, or which employs a legislator or spouse, in the statement of financial disclosure.

HB 106 (Westrom, Wheatley) 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) Would establish a refundable income tax credit for the costs of mitigating noise from a commercial airport.

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

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

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

HB 116 (Bojanowski, Kulkarni) 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) Would establish requirements for projects requiring structural steel welding such as certification of welders and certified inspectors.

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

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

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

HB 123 (Maddox and others) 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) 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) 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) Would allow governing body of a consolidated local government to enact rent control ordinances in a development area.

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

HB 134 (Hart, Reed) 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) 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) Would establish a qualified terminally ill individual's right to voluntarily request medication to self-administer to cause death.

HB 150 (Raymond) 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) Would update the Uniform Residential Landlord and Tenant Act.

HB 156 (Scott) 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) 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) Would provide automatic expungement of records in actions for forcible entry and detainer.

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

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

HB 168 (DuPlessis) 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) 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)(H. CC) 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. CC) 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) 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)(H. Rules) Would delay fiscal courts initiation of reapportionment proceedings to 2023.

HB 214 (Johnson, Nemes) 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)(H. 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) 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)(To Senate) Transportation Cabinet budget.

HB 244 (Petrie and others)(H. A&R) The Judicial Branch budget.

HB 248 (Eliot) (H. CC) 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)(H. L&O) Would exempt persons cleaning duct work from definition of "practice of heating, ventilation, and air conditioning contracting."

HB 253 (Maddox and Baker) 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) 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) 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)(H. Rules) 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) Proposed Executive Branch budget 2022-2024.

HB 286 (Osborne) 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. CC) 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) 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) 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)(H. CC) 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. CC) 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. CC) 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. CC) 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)(H. CC) Would extend the filing deadline for all candidates for the 2022 primaries to May 31, 2022; and extend the date of the primary to the first Tuesday in August.

HB 326 (Prunty and others) 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. CC) 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. CC) 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.

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) 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. CC) 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.

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 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)(S. Rules) Would allow a person applying online for motor vehicle registration renewal to make a donation 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) 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)(S. Rules) 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)(S. NR Energy)(Under review) 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)(S. NR Energy) 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)(S. Rules) 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)(S. State Local Govt) 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) 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.

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)(S. Ag) 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.