

2023 KENTUCKY GENERAL ASSEMBLY

Legislative Updates from the Kentucky Resources Council

2023 General Assembly Regular Session Bills We're Watching: The First Edition

The 2023 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 4, January 6, 2023. There are 26 legislative days remaining in the 2023 Regular Session.

This year is a "short" 30-legislative day session and began on January 3, 2023, with an anticipated final day on March 30, 2023. The General Assembly has recessed until February 7, and will not be in session on February 13, 20, 27 and March 6th. March 15 and 16 are set aside as "concurrence" days, and there is a "veto" recess from March 17 through 28th before the General Assembly reconvenes on March 29 and 30th to consider any vetoes of bills and to finish work on bills and resolutions prior to adjournment *sine die*.

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 amy@kyrc.org. The legislative update will be refreshed and republished each Friday afternoon when the General Assembly is in session.

STAY INFORMED DURING THE 2023 GENERAL ASSEMBLY

Find copies of bills, votes, and more information at

<https://apps.legislature.ky.gov/record/23rs/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>

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.

The schedule of the committees during the 2023 session is found here:

https://legislature.ky.gov/Documents/Current_Standing_Schedule.pdf

Note that there is a daily schedule published on the preceding day, which may alter the standing committee schedule to cancel a meeting, or to propose a special meeting. That daily schedule is found here: <https://apps.legislature.ky.gov/legislativecalendar>

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. FC = House Family and Children Committee

H. HS = House Health 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. CC = Senate Committee on Committees

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

S. Ed = Senate Education Committee

S. FC = House Family and Children Committee

S. HS = House Health Services 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 40 (Lewis, 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 in plain conflict with the separation of powers doctrine under Sections 27 and 28 of the Kentucky Constitution, would nullify any regulation found deficient by a legislative committee unless the agency appealed that finding to the Attorney General’s office within 10 days and the AGs office overruled the finding.

In addition to the unconstitutionality of granting interim legislative committees veto power over a regulation, the bill is a solution in search of a problem. 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 66 (Willner)(H. CC)(+)

Would regulate disconnection of electric and gas service by PSC-regulated utilities, including creating winter and summer temperature standards to prohibit disconnection of service by retail electric and gas utilities; establish a certificate of need for persons who are at risk if utility service is disconnected; prohibiting disconnection of service on holidays and weekends and before 8 a.m. and after 5 p.m. on weekdays; allowing for reconnection of service for partial payment with a payment plan; waiving fees for customers having obtained a certificate of need; require utility to make reasonable effort towards reestablishing service for a customer terminated after having obtained a certificate of need, and making other reforms.

HB 94 (Kulkarni)(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; require the 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.

HB 96 (Kulkarni)(H. CC)(+)

Would establish the Kentucky Urban Farming Youth Initiative to promote farming to youth in urban counties in urban University of Kentucky Cooperative Extension Service offices.

HB 140 (Raymond)(H. CC)(+)

Proposed constitutional amendment to establish a right of the people to have a healthy environment, including a right to clean air, pure water, and ecologically healthy habitats; declare the Commonwealth's natural resources, among them its air, water, flora, fauna, climate, and public lands, are the common property of all people, including generations yet to come; establish that as trustee of the environment and its natural resources, the Commonwealth shall conserve and maintain them for the benefit of all people.

House Resolutions

HJR 8 (Lawrence)(H. CC)(-)

Joint resolution would apply to Congress under Article V of the Constitution of the United States for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that limit the terms of office for its officials and for members of Congress.

Constitutional scholars 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.”

Senate Bills

None as of this week on which KRC has taken a position.

Senate Resolutions

None as of this week on which KRC has taken a position.

OTHER BILLS & RESOLUTIONS OF NOTE

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 1 (Petrie)(S. A&R)

Would reduce the individual income tax to 4.5% for taxable years beginning January 1, 2023, and to 4% for taxable years beginning January 1, 2024.

HB 11 (Petrie, Reed)(S. A&R)

Would amend the 2022-2024 Transportation Cabinet biennial budget to remove the General Fund appropriation for the Electric Vehicle Charging Program in fiscal year 2022-2023.

HB 12 (Tipton)(H. CC)

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

HB 15 (Stevenson)(H. CC)

Would prohibit employers from refusing to grant a qualified an employee family care leave for the birth of a child or to take care of a family member.

HB 21 (Bridges)(H. CC)

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

HB 22 (Roberts)(H. CC)

Would legalize and regulate the cultivation, processing, transportation, sale, use, taxation, and licensing of cannabis.

HB 26 (Rabourn)(H. CC)

Would prohibit a public agency or any other entity created by an act of the General Assembly from using federal, state, and local tax dollars for lobbying purposes.

HB 30 (Wesley)(H. CC)

Would require students born male to use only those facilities designated to be used by males and students born female to use only those facilities designated to be used by females; require schools to provide the best available accommodation to students who assert that their gender is different from their biological sex.

HB 31 (McPherson)(H. CC)

Would prohibit Kentucky Board of Education from requiring students to receive the COVID-19 vaccine to attend school.

HB 34 (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; to negotiate wages that are higher than the state or federal minimum wage as a condition of the project labor agreement; and to enact prevailing wage ordinances.

HB 50 (Lockett)(H. CC)

Identical to SB 50, would make elections for county commissioner, mayor, city councils, city offices, boards of education, and soil and water conservation officers partisan.

HB 59 (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 69 (Stevenson)(H. CC)

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

HB 74 (Hart and 17 others)(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 meeting state and federal standards, as a tool for advancing oral hygiene, is recognized as among the most effective public health initiatives.

HB 77 (Reed)(H. CC)

Would establish year-round Daylight Saving Time in the state of Kentucky if authorized by the United States Congress.

HB 79 (Willner, Aull)(H. CC)

Would direct the Kentucky State Police to establish the Kentucky Voluntary Do Not Sell Firearms List to prohibit the possession, sale, or transfer of firearms to individuals who voluntarily request to be added the list; and exclude persons on the list from eligibility for license to carry a concealed weapon.

HB 92 (Calloway)(H. CC)

Would allow a parent or guardian to opt a student out of any public school requirement for medical devices and procedures, and treatments without any documentation or certification to opt out.

HB 93 (Kulkarni)(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 97 (Herron)(H. CC)

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 five years after completion of their imprisonment, probation, or parole.

HB 100 (Rawlings)(H. CC)

Would establish a new legislative Committee on Constitutional Enforcement to review and comment on any federal action or global organization action and to refer a federal action or global organization action to the Attorney General or to make a recommendation to the General Assembly to adopt a resolution urging Congress to take action if it finds the federal action or global organization action violates the Kentucky Constitution.

HB 101 (Decker and others)(H. CC)

Would prohibit Kentucky Board of Education from requiring students to receive the COVID-19 vaccine in order to attend school.

HB 103 (Dotson)(H. CC)

Would make torture of a dog or cat a Class D felony in every instance and that each act may constitute a separate offense.

HB 107 (Graham, Stevenson, Roberts)(H. CC)

Would establish a medicinal cannabis program.

HB 110 (Baker and others)(H. CC)

Would add conscientiously held beliefs to the list of exceptions to child immunization requirements.

HB 116 (Rabourn and others)(H. CC)

Would revise procedures for election of supervisors for conservation districts and impose minimum age requirement of 21 years.

HB 118 (Maddox and Rabourn)(H. CC)

Would lower the age requirement for carrying a concealed and deadly weapon from 21 to 18.

HB 120 (Maddox and Rabourn)(H. CC)

Would prohibit the provision of or referral for gender transition procedures, provision of health care services, medicaid coverage, and use of public funds, to any child under the age of 18 years.

HB 121 (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 122 (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 128 (Kulkarni)(H. CC)

Would update the Uniform Residential Landlord and Tenant Act.

HB 130 (Neighbors and others)(H. CC)

Would revise laws on acquisition and leasing of heavy and specialized equipment by soil conservation districts.

HB 137 (Maddox)(H. CC)

Would allow a student, staff, or faculty member to opt out of a postsecondary school's immunization policy for specific reasons; and prohibit a public entity from creating standardized documentation with the purpose of certifying vaccination status.

HB 138 (Maddox)(H. CC)

Would repeal law that allows postsecondary facilities, local governments, and units of state government to limit concealed carry in governmental buildings.

HB 139 (Maddox)(H. CC)

Would require public postsecondary institutions to adopt a policy to not restrict off-campus speech; extend free speech protections to the public; provide that student religious and political organizations shall be afforded equal access to facilities.

House Resolutions

HR 2 (Osborne) Adopted

House Rules of Procedure for 2023 Regular Session.

HR 15 (W. Thomas) Adopted

Would recognize January 27, 2023, as International Holocaust Remembrance Day.

HR 17 (Brown)(H. CC)

Would honor the celebration of Black History Month and recognize that Black history is American history.

Senate Bills

SB 15 (Westerfield)(S. Eco Dev)

Would create consumer data collection protections and enforcement mechanism.

SB 17 (Southworth)(S. CC)

Would require public agency employees to undergo open records training.

SB 30 (Girdler)(S. B&I)

Would require businesses to present automatic renewal or continuous service offer terms clearly and conspicuously to consumers before purchase; require the consumer's consent before charging the consumer; and information regarding cancellation.

SB 31 (Southworth)(S. CC)

Would amend current law regarding weapons and school facilities.

SB 32 (R. Thomas)(S. A&R)

Would incrementally increase minimum wage for employers with over \$500,000 average annual gross volume of sales to \$15.00 an hour and allow local higher minimum wages by ordinance.

SB 45 (Meredith, Neal, Adams)(S. CC)

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

SB 47 (West, Wheeler, Nemes)(S. CC)
Would establish a medicinal cannabis program.

SB 50 (Thayer)(S. State Gov)
Would make elections for county commissioner, mayor, city councils, city offices, boards of education, and soil and water conservation officers partisan.

SB 51 (Yates) (S. CC)
Would create program for regulation of the cultivation, processing, transportation, sale, use, taxation, and licensing of cannabis.

SB 56 (Harper Angel)(S. .CC)
Would prohibit retail pet shops from selling dogs, cats, and rabbits.

Senate Resolutions

SR 2 (Thayer) Adopted
Rules of Procedure for 2023 Session.

SCR 31 (Givens, Adams) Adopted
Concurrent resolution expressing serious concerns of the General Assembly regarding the treatment and protection of juvenile offenders and staff of the Department of Juvenile Justice.

SR 38 (Neal and others) Adopted
Simple resolution to condemn the January 6, 2021, United States Capitol riots.