2019

KENTUCKY LEAGUE OF CITIES

LEGISLATIVE UPDATE

KLC.ORG

2019 KLC LEGISLATIVE UPDATE

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NOTE

The effective date of all legislation enacted by the 2019 Regular Session of the General Assembly is June 27, 2019, except for measures containing emergency or delayed effective date provisions. (OAG 19-005)

If a bill reported in this update becomes effective on a date other than June 27, 2019, it is noted in the summary of the bill.

Photos are attributed to KLC Legislative Advocacy and LRC Public Information.
For information about this and other KLC publications, please contact Michele Hill at mhill@klc.org.

A MESSAGE FROM OUR KLC

LEGISLATIVE TEAM

JONATHAN STEINER

J.D. CHANEY

BRYANNA CARROLL

KLC LEGISLATIVE ADVOCACY

Dear members and friends of KLC,

The 2019 Regular Session of the General Assembly was a short, 30-day session, but it brought a lot of new legislation that impacts cities. The legislature passed 13 measures that the Kentucky League of Cities Board of Directors set as initiatives and dozens of other KLC-supported bills. We are grateful for your advocacy as legislators are most responsive to calls from their local elected officials.

Legislation passed in 2019 will provide cities more investment options, permit smaller cities to collect alcohol regulatory license fees and make it easier for cities to ensure peace officer standards are maintained. KLC was also honored to work with education groups and legislators on Senate Bill 1, "The School Safety and Resiliency Act." The safety of our schools is vital to the security and well-being of our local communities. An outline of all newly enacted bills that impact cities is provided on the following pages.

We will continue to champion KLC's top legislative priorities as we gear up for the 2020 session. The Kentucky Retirement Systems (KRS) Administrative Subcommittee is continuing to hold hearings on the proposal to separate the County Employees Retirement System (CERS) from KRS. It is required to present its findings to the Public Pension Oversight Board (PPOB) by December 1, 2019.

Additionally, we are continuing to advocate for the modernization of the road funding formula, and we are discussing with legislators the need for revenue flexibility and protection as cash-strapped cities continue to be asked to do more with less.

Thank you for your willingness to help with these issues and other legislative priorities. Many of you answered the call when asked this year to reach out to your state senator and representatives. Those local contacts are key to our legislative success.

Please let us know if we can help your city with an issue or concern that needs legislative advocacy. You can always reach us at 1-800-876-4552.

Sincerely,

Jon, J.D. & Bryanna

SECTION 1: ALCOHOLIC BEVERAGES

House Bill 256 ALCOHOL IN DRY OR MOIST TERRITORIES
Sponsor: Representative Michael Meredith (R-Oakland)

House Bill 256 specifies conditions where it would not be a violation for a person or caterer to possess, consume, provide or serve alcoholic beverages to others in a dry or moist territory, or to bring alcoholic beverages that were lawfully purchased in a wet or moist territory into a dry or moist territory.

KRS 242.030 is amended to permit persons to possess, consume or provide alcoholic beverages to others in a dry or moist territory if: (1) the alcoholic beverages were lawfully purchased in a wet or moist territory; (2) the alcoholic beverages are not sold to any person in a dry or moist territory; (3) any person possessing or consuming alcohol is at least 21-years old; (4) the possession, consumption or provision occurs at a private residence or private event, regardless of whether the venue is a public place; and (5) the possession, consumption or provision does not occur at a public place in violation of KRS Chapter 222. An event is public, not private, if any member of the public is permitted to enter or attend the event upon payment of consideration.

KRS 242.260 is amended to permit a person to bring alcoholic beverages that were lawfully purchased in a wet or moist territory into a dry or moist territory to a private residence, or to a private event, regardless of whether the venue is a public place, for personal consumption or consumption by others so long as the possession, consumption or provision does not occur at a public place in violation of KRS Chapter 222.

KRS 243.033 is amended to permit a caterer to serve alcoholic beverages to guests in a dry or moist territory who are at least 21-years old at a private event in a dry territory if: (1) the alcoholic beverages were lawfully purchased in a wet or moist territory by an individual or at the caterer's licensed premises in a wet or moist territory; and (2) the alcoholic beverages are not sold in a dry territory to guests at the private residence or private event, regardless of whether the venue is a public place.

An emergency is declared. House Bill 256 became law on April 9, 2019, when signed by the Governor.

Representative Michael Meredith (R-Oakland) speaks on House Bill 256 before the House Local Government Committee on February 13.

Senate Bill 29 SALE OF ALCOHOLIC BEVERAGES
Sponsor: Senator Danny Carroll (R-Paducah)

Senate Bill 29 amends KRS 243.075 to allow a city with a population of less than 20,000 or a county that does not contain a city with a population equal to or greater than 20,000 that is wet through a local option election held under KRS Chapter 242 to impose a regulatory license fee. The rate may not exceed 5 percent upon the gross receipts of the sale of alcoholic beverages of each establishment licensed to sell alcoholic beverages in the city or county.

Any city or county that does not meet the population requirements of Senate Bill 29 that imposed a regulatory license fee pursuant to KRS 243.075 as of January 1, 2019, may continue to impose the previously established regulatory license fee. Any city or county authorized under Senate Bill 29 to impose a regulatory license fee that imposed the license fee at a rate higher than 5 percent prior to the effective date of Senate Bill 29, may continue to impose the license fee at a rate that exceeds 5 percent. The rate shall not exceed that which was imposed by the city or county as of January 1, 2019.

KLC Deputy Executive Director J.D. Chaney testifies with Senator Danny Carroll (R-Paducah) on behalf of Senate Bill 29 at the March 6 meeting of the House Local Government Committee.

Senate Bill 115 ALCOHOLIC BEVERAGE CONTROL INVESTIGATORS
Sponsor: Senator Dan Seum (R-Fairdale)

Senate Bill 115 amends KRS 15.380 relating to officer certification to require local alcoholic beverage control investigators appointed under KRS Chapter 241 on or after April 1, 2019, to be certified by the Kentucky Law Enforcement Council if all minimum standards set forth in KRS 15.380 to 15.404 have been met. Local alcoholic beverage control investigators appointed under KRS Chapter 241 prior to April 1, 2019, shall be exempt from certification requirements.

SECTION 2: CONTROLLED SUBSTANCES

House Bill 342 ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES

Sponsor: Representative Steve Sheldon (R-Bowling Green)

House Bill 342 creates a new section of KRS Chapter 218A to require all practitioners to submit any prescription for a controlled substance electronically from the practitioner issuing the prescription to a pharmacy, except under specified exceptions, beginning January 1, 2021.

A pharmacist who receives a written, oral or faxed prescription for a controlled substance shall not be required to verify that the prescription properly falls under one of the exceptions from the requirement to electronically prescribe. Pharmacists may continue to dispense medications from otherwise valid written, oral or faxed prescriptions that are consistent with current laws and administrative regulations.

The Cabinet for Health and Family Services shall promulgate administrative regulations to implement the provisions of House Bill 342, including enforcement mechanisms, waivers of requirements and appropriate penalties for violations.

Effective January 1, 2021.

House Bill 470 ADMINISTRATION OF NALOXONE

Sponsor: Representative Chad McCoy (R-Bardstown)

House Bill 470 amends KRS 217.186 to permit a pharmacist to dispense naloxone to any person or agency that provides training on the mechanism and circumstances for the administration of naloxone to the public as part of a harm reduction program in overdose situations, regardless of whom the ultimate user of the naloxone may be.

House Bill 470 also amends two criminal statutes relating to controlled substances. KRS 218A.1412 is amended to clarify heroin trafficking is not eligible for a Class D felony, but rather is a Class C felony for a first offense and a Class B felony for a second or subsequent offense. KRS 507.040 is amended to add the unlawful distribution for remuneration of a Schedule I or II drug where the drug is the proximate cause of death to the elements of manslaughter in the second degree. Manslaughter in the second degree is a Class C felony.

House Bill 132 VIOLENT OFFENDERS
Sponsor: Representative Michael Meredith (R-Oakland)

House Bill 132 amends KRS 439.3401 relating to probation and parole to include within the definition of "violent offender" any person who has been convicted of or pleaded guilty to manslaughter in the second degree or reckless homicide where the offense involves the killing of emergency medical services personnel while the emergency medical services personnel was acting in the line of duty.

A violent offender who has been convicted of manslaughter in the second degree, where the victim of the offense was clearly identifiable as an emergency medical services personnel and was acting in the line of duty, shall not be released on probation or parole until he or she has served at least 85 percent of the sentence imposed.

A violent offender who has been convicted of manslaughter in the second degree or reckless homicide, where the victim of the offense was an emergency medical services personnel and was acting in the line of duty, shall not be released on probation or parole until he or she has served at least 50 percent of the sentence imposed.

Manslaughter in the second degree is a Class C felony. Reckless homicide is a Class D felony.

House Bill 470 DRUG OFFENSES
Sponsor: Representative Chad McCoy (R-Bardstown)

House Bill 470 amends two criminal statutes relating to controlled substances. KRS 218A.1412 is amended to clarify heroin trafficking is not eligible for a Class D felony, but rather is a Class C felony for a first offense and a Class B felony for a second or subsequent offense. KRS 507.040 is amended to add the unlawful distribution for remuneration of a Schedule I or II drug where the drug is the proximate cause of death to the elements of manslaughter in the second degree. Manslaughter in the second degree is a Class C felony.

Senate Bill 157 UNLAWFUL USE OF DRONES
Sponsor: Senator Whitney Westerfield (R-Crofton)

Senate Bill 157 amends KRS 511.100 to add to the definition of "key infrastructure assets," in relation to the commission of the offense of trespass, the grounds or property of a state prison, juvenile justice facility, jail or other facility for the detention of persons

charged with or convicted of crimes.

Additionally, Senate Bill 157 amends KRS 520.010 to include drones, unmanned aircraft or other remotely controlled vehicles, and any payload carried by the vehicles, in the definition of "dangerous contraband" in relation to the commission of the offense of promoting contraband capable of use to endanger the safety or security of a detention facility or persons therein.

House Bill 249 OUTDOOR RECREATION

Sponsor: Representative Chris Fugate (R-Chavies)

House Bill 249 amends sections of KRS 148.0221 to 148.0226 relating to the Kentucky Mountain Regional Recreation Authority (KMRRA). KRS 148.0221 is amended to add the following 14 counties to the definition of "target county": Boyd, Carter, Clinton, Elliott, Estill, Greenup, Lewis, Madison, McCreary, Menifee, Rockcastle, Rowan, Wayne and Whitley. Current target counties are Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Magoffin, Martin, Morgan, Owsley, Perry, Pike, Powell, Pulaski and Wolfe.

KRS 148.0222 is amended to reauthorize the authority for five years from the effective date of House Bill 249 and to make changes to the membership of the KMRRA board, including the addition of the commissioner of the Department of Fish and Wildlife Resources. The board shall meet at least once annually, rather than quarterly, with accommodations for remote attendance. Board meetings shall be held within KMRRA participating counties with each meeting held in a different participating county until every participating county has hosted a meeting.

Representative Chris Fugate (R-Chavies) on the House floor.

Photo courtesy: LRC Public Information

House Bill 268 BUDGET AMENDMENTS FOR ECONOMIC DEVELOPMENT AND TOURISM
Sponsor: Representative Steven Rudy (R-Paducah)

House Bill 268 amends the 2018-2020 Executive Branch Biennial Budget to authorize the appropriation of an additional $2,121,000 from the General Fund to the Department of Parks in fiscal year 2019 for debt service to support $50 million in new bonds. The bonds will be used for Phase I of capital project improvements to state parks, including lodge roof replacements and repairs, wastewater treatment upgrades, utilities and communications replacements, and other infrastructure projects.

Additionally, House Bill 268 amends the 2018-2020 Executive Branch Biennial Budget to authorize the appropriation of additional General Fund money to the Cabinet for Economic Development in the amount of $1,060,500 in fiscal year 2019 for debt service to support $25 million in new bonds for economic development projects.

An emergency is declared. House Bill 268 became law on March 26, 2019, except for unrelated line-item vetoes, when signed by the Governor.

Representative Steven Rudy (R-Paducah) addresses the House of Representatives.

Photo courtesy: LRC Public Information

ECONOMIC DEVELOPMENT & TOURISM

Senate Bill 202 LOCAL TOURIST AND CONVENTION COMMISSIONS
Sponsor: Senator Chris McDaniel (R-Taylor Mill)

Senate Bill 202 amends KRS 91A.380 to change the composition of a multi-county local tourist and convention commission to include the following six members, appointed by the county judge/executive with the approval of the fiscal court: (1) two commissioners with an accounting, finance or business background – one of whom is a member of the local chamber of commerce; (2) one commissioner selected from the public at-large; (3) one commissioner from the General Assembly; (4) one commissioner representing local restaurants; and (5) one commissioner representing local hotels and motels.

Senator Chris McDaniel (R-Taylor Mill) addresses members of the Senate.

Senate Bill 246 KENTUCKY BUSINESS INVESTMENT PROGRAM
Sponsor: Senator Danny Carroll (R-Paducah)

Senate Bill 246 amends the definition of "eligible company" in KRS 154.25-010 for the purpose of qualifying for incentives under the Kentucky Business Investment Program. "Eligible company" is defined as any entity that has been operating within the state on a continuous basis for at least 60 months preceding the request for approval by the Kentucky Finance Development Authority of a project that meets the standards set forth in KRS 154.25-020; has been previously approved for economic development incentives from the state related to one or more of its facilities; and employs a minimum of 1,000 full-time persons engaged in one or more of the following activities: manufacturing, agribusiness, nonretail service or technology or headquarters operations, regardless of the underlying business activity of the company. The legislation supports retention of existing jobs.

"Eligible company" does not include companies where the primary activity to be conducted within the state is forestry, fishing, mining, coal or mineral processing, the provision of utilities, construction, wholesale trade, retail trade, real estate, rental and leasing, educational services, accommodation and food services, or public administration services.

KRS 154.25-020 is amended to permit any economic development project with an eligible investment of more than $200 million to qualify for inducements as if the project is located in an enhanced incentive county pursuant to KRS 154.32-090.

An emergency is declared. Senate Bill 246 became law on March 26, 2019, when signed by the Governor.

Senate Bill 4 CAMPAIGN FINANCE REPORTS

Sponsor: Senator Damon Thayer (R-Georgetown)

Senate Bill 4 amends KRS 121.120 to require all candidates, slates of candidates, committees and contributing organizations, beginning with primary elections in 2020, to electronically submit all campaign finance reports to the Kentucky Registry of Election Finance. Reports submitted on paper will no longer be accepted. Campaign finance reports submitted in a nonelectronic format will be considered delinquent until such time as the reports are properly filed in an electronic format. The names of candidates, slates of candidates, committees and contributing organizations that do not file in an electronic format will be published by the Registry on its website.

Senate Majority Floor Leader Damon Thayer (R-Georgetown) presents Senate Bill 4 in the Senate.

Photo courtesy: LRC Public Information

Senate Bill 60 ELECTION FILING DEADLINES

Sponsor: Senator Chris McDaniel (R-Taylor Mill)

Senate Bill 60 amends KRS 83A.045, 118.165 and 118A.060 to change the filing deadline for candidates for election from the last Tuesday in January to the first Friday following the first Monday in January. This includes candidates for partisan and nonpartisan

elections for city offices, candidates for county offices and districts less than one county, members of the General Assembly and members of Congress.

House Bill 106 LICENSURE
Sponsor: Representative Rob Rothenburger (R-Shelbyville)

House Bill 106 amends various statutes in KRS Chapter 311A relating to emergency medical services to update the statutes and provide for new licensure categories. A new section of KRS Chapter 311A is created to authorize the licensure of "advanced emergency medical technicians" — defined to mean persons licensed by the Kentucky Board of Emergency Medical Services (KBEMS) to perform any procedure specified in the most recent curriculum of the United States Department of Transportation training course for advanced emergency medical technicians and any additional procedure authorized by KBEMS by administrative regulation." KRS 311A.025 is amended to authorize licensure of "advanced practice paramedics" defined to mean paramedics licensed by KBEMS and certified by the board in at least one emergency medical services subspecialty, including community paramedic, critical care paramedic, wilderness paramedic, tactical paramedic and flight paramedic.

KRS 311A.030 is amended to establish five new classes of ambulance service providers licensed by KBEMS, in addition to three currently existing classes, for a total of eight classes of service providers. New classes IV through VIII include the following: (1) Class IV ground ambulance providers, which provide basic life support or advanced life support services and transportation for restricted locations such as industrial sites and other sites that do not provide services outside a designated site; (2) Class V mobile integrated healthcare programs, which do not transport patients as a function of the program and which must be operated by or in affiliation with a Class I ambulance provider that provides emergency medical response in the geographic area; (3) Class VI medical first response providers, which provide prehospital or advanced life support services, but do not transport patients; (4) Class VII air ambulance providers, which provide basic or advanced life support services; and (5) Class VIII event medicine providers, which provide basic or advance life support services but do not transport patients.

KRS 311A.015 is amended to reduce the size of KBEMS from 18 to 13 members. The positions for a mayor of a city and a judge/executive of a county that operates a licensed Class I ground ambulance service are retained. Any person serving on the board in a position eliminated on the effective date of House Bill 106 may continue to serve in a voting, ex officio capacity until the expiration of his or her term.

KRS 311A.110 and 311A.115 are repealed to delete the requirement for training of paramedics, first responders and emergency medical technicians to include a course on AIDS. KRS 311A.127 is repealed to delete the requirement for training of paramedics to include a course on recognition and prevention of pediatric abusive head trauma.

House Bill 340 911 EMERGENCY SERVICE

Sponsor: Representative Michael Meredith (R-Oakland)

House Bill 340 amends two statutes relating to 911 emergency services. KRS 65.750 is amended to add "next generation 911" to the definition of "911 emergency service."

KRS 65.7637, relating to limitation of liability, is amended to include Voice over Internet Protocol (VoIP) providers and entities that provide services or equipment used in a 911 or next generation 911 system. The statute limits liability of providers and service suppliers for damages in a civil action in connection with developing, adopting, establishing, participating in, implementing, maintaining or providing access to 911 emergency services except in cases of negligence, wanton or willful misconduct, or bad faith.

House Bill 375 CALL LOCATION INFORMATION

Sponsor: Representative Bart Rowland (R-Tompkinsville)

House Bill 375 creates a new section of KRS Chapter 17 to require wireless telecommunications carriers to provide call location information to a requesting law enforcement agency or public safety answering point (PSAP) for the wireless communications device of a wireless telecommunications user for the purpose of responding to a call for emergency services or an emergency that involves the imminent risk of death or serious physical injury.

Local emergency responders seeking call location information shall direct inquiries to either a law enforcement agency or a PSAP. The highest ranking person on duty at the law enforcement agency or PSAP shall determine, in consultation with the emergency responders in the jurisdiction in which the emergency call or situation arose, whether the required conditions are met.

To facilitate requests for call location information, all wireless telecommunications

carriers and all resellers of wireless telecommunications doing business in Kentucky must submit emergency contact information to the Kentucky State Police for dissemination to law enforcement agencies and to the Kentucky 911 Services Board for dissemination to PSAPs. The contact information shall be submitted annually or immediately upon any change in contact information. All PSAPs and law enforcement agencies shall develop and maintain policies and procedures for request of call location information.

No cause of action shall lie in any court against any wireless telecommunications carrier or its officers, employees or agents for providing call location information while acting in good faith and in accordance with the provisions of House Bill 375.

KLC Director of Governmental Affairs Bryanna Carroll testifies with Representative Bart Rowland (R-Tompkinsville) on House Bill 375.

Senator Whitney Westerfield (R-Crofton) carries House Bill 375 for final passage in the Senate on March 13.

Senate Bill 92 SEXUAL VIOLENCE TRAINING
Sponsor: Senator Denise Harper Angel (D-Louisville)

Senate Bill 92 amends KRS 311A.120 to require the Kentucky Board of Emergency Medical Services (KBEMS) to promulgate administrative regulations that require continuing education on sexual violence training for emergency medical technicians or first responders. It must include the completion of at least one hour that covers the recognition of sexual violence, reporting options, care options, pre-hospital treatment considerations,

knowledge of regional rape crisis centers and how to access the SANE-ready (sexual assault nurse examiner) list. The training must be held at least once in every two-year renewal cycle. The one hour of training shall be included in the current number of required continuing education hours.

Senate Bill 7 ALTERNATIVE DISPUTE RESOLUTION
Sponsor: Senator Robert Stivers (R-Manchester)

Senate Bill 7 amends KRS 336.700 to permit employers to require execution of an arbitration, mediation or alternative dispute resolution agreement as a condition or precondition of employment, previously prohibited by KRS 336.700.

KLC Deputy Executive Director J.D. Chaney testifies with Senate President Robert Stivers (R-Manchester) as Senate Bill 7 was heard by the House State Government Committee.

Senate Bill 7 authorizes any employer to:

1. Require an employee or person seeking employment to execute an agreement for arbitration, mediation or other form of alternative dispute resolution as a condition or precondition of employment;

2. Require a former employee to execute an agreement to waive an existing claim as a condition or precondition for the rehiring of the former employee as part of a settlement of pending litigation or other legal or administrative proceeding;

3. Require an employee or person seeking employment to execute an agreement to reasonably reduce the period of limitations for filing a claim against the employer as a condition or precondition of employment, provided that the agreement does not apply to causes of action that arise under a state or federal law where an agreement to modify the limitations period is preempted or prohibited, and the agreement does not reduce the period of limitations by more than 50 percent of the time that is provided under the law

that is applicable to the claim; and

4. Require an employee or person seeking employment to agree for the employer to obtain a background check or similar type of personal report on the employee or person seeking employment in conformance with a state or federal law that requires the consent of the individual prior to an employer's receipt or use of such a report.

The provisions of Senate Bill 7 apply prospectively and retroactively. The provisions shall not apply to collective bargaining agreements entered into between employers and the respective representatives of member employees.

Senate Bill 18 PREGNANCY-RELATED ACCOMMODATIONS
Sponsor: Senator Alice Forgy Kerr (R-Lexington)

Senate Bill 18 amends KRS 344.040 to make it an unlawful practice for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth or a related medical condition who requests an accommodation, including but not limited to the need to express breast milk, unless the employer can demonstrate the accommodation would impose an undue hardship on the employer's program, enterprise or business.

For purposes of Senate Bill 18, "employer" is defined to mean a person who has 15 or more employees within the state in each of the 20 or more calendar weeks in the current or preceding calendar year and any agent of the employer.

KRS 344.030 is amended to define reasonable accommodations for pregnancy, childbirth or related medical conditions to include more frequent or longer breaks; time off to recover from childbirth; acquisition or modification of equipment; appropriate seating; temporary transfer to a less strenuous or less hazardous position; job restructuring; light duty; modified work schedule; and private space that is not a bathroom for expressing breast milk.

An employee shall not be required to take leave from work if another reasonable accommodation can be provided. If the employer has a policy to provide similar accommodation to other classes of employees, then a rebuttable presumption is created that the accommodation does not impose an undue hardship on the employer.

An employer must provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth and related medical conditions, including the right to reasonable accommodations, to: (1) new employees at the commencement of employment, (2) existing employees not later than 30 days after the effective date of Senate Bill 18; and (3) by conspicuously posting at the employer's place of business in an area accessible to employees.

Senate Bill 28 NOTICE OF ENVIRONMENTAL INCIDENTS
Sponsor: Senator Ralph Alvarado (R-Winchester)

Senate Bill 28 creates a new section of KRS 224.1-400 to 224.1-415 to require the Energy and Environment Cabinet, after declaring the existence of an environmental emergency that requires implementation of a contingency plan established in KRS 224.1-400(14) for response to an environmental emergency, to send a copy of the declaration of emergency to the judge/executive of the county or the chief executive officer of the urban county government within which the environmental emergency exists within seven days of declaring the environmental emergency.

A new section of KRS 224.43-310 to 224.43-380 is created by Senate Bill 28 to require the Energy and Environment Cabinet, after issuing a notice of violation for noncompliance by a contained landfill operating as a municipal solid waste disposal facility with a condition of its permit issued by the Division of Waste Management where the noncompliance has off-site impacts, to send a copy of the notice of violation to the judge/executive of the county or the chief executive officer of the urban county government within which the contained landfill is located within seven days of issuing the notice of violation.

Senator Ralph Alvarado (R-Winchester) presents Senate Bill 28 in the Senate on February 11.

Photo courtesy: LRC Public Information

SECTION 9: FIRE PROTECTION

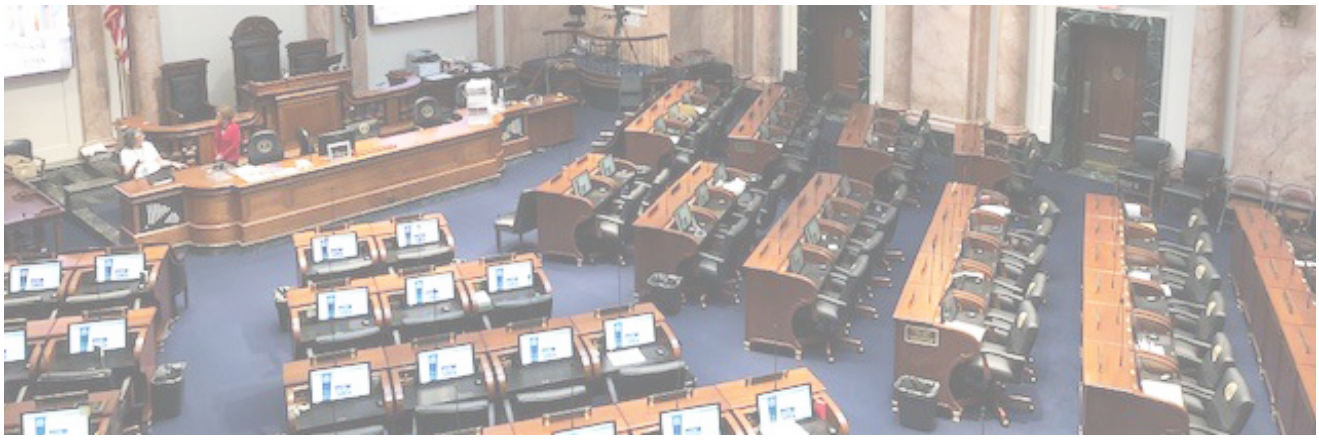
House Bill 273 PROFESSIONAL & VOLUNTEER FIREFIGHTER PROGRAM
Sponsor: Representative Michael Meredith (R-Oakland)

House Bill 273 creates a new section of KRS 95A.200 to 95A.300 to require the Commission on Fire Protection Personnel Standards and Education to establish a professional development and wellness program for firefighters. The program must be offered at least twice per year to professional and volunteer firefighters in Kentucky using seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.

Administrative regulations promulgated by the Commission to establish the program must include: (1) the required qualifications and duties of any person used by the Commission to implement or administer the program; (2) the curriculum, programming, seminar type and treatment modalities used in the program; (3) the extent to which a participating firefighter's relatives or friends may participate in seminars; (4) the standards by which professional and volunteer firefighters from other states may be accepted into the program; and (5) a protocol for establishing reciprocity for interagency assistance with other state, federal and tribal professional and volunteer firefighters in administering the program.

A restricted fund is established in the state treasury to be known as the professional and volunteer firefighters' professional development and wellness program fund. It will consist of moneys received from the Kentucky Firefighters Foundation Program Fund and any grants, gifts, state appropriations or federal funds. Amounts deposited in the fund shall be administered by the Commission and used only for administration of the program.

An emergency is declared. House Bill 273 became law on March 25, 2019, when signed by the Governor.



Senate Bill 104 FIRE PREVENTION AND PROTECTION
Sponsor: Senator Robby Mills (R-Henderson)

Senate Bill 104 creates a new section of KRS 227.200 to 227.410 relating to fire prevention and protection. It restricts the use of Class B firefighting foam for training or testing purposes to testing facilities that have implemented best industry practices to prevent the uncontrolled releases of Class B foam into the environment due to the toxic chemicals contained in the foam. The restriction begins on July 15, 2020, unless otherwise required by law, regulation or ordinance.

Class B firefighting foam is designed to control flammable liquid fires.

Senator Robby Mills (R-Henderson) speaks on the Senate floor.

Photo courtesy: LRC Public Information

Senate Bill 140 HEPATITIS INOCULATIONS FOR FIREFIGHTERS
Sponsor: Senator Johnny Ray Turner (D-Prestonsburg)

Senate Bill 140 amends KRS 95A.262 to permit the inoculation of every paid and volunteer firefighter in Kentucky against hepatitis A and hepatitis B. Inoculations will be funded from revenues allocated to the Kentucky Firefighters Foundation Program Fund, not to exceed $500,000 per fiscal year.

SECTION 10: LAW ENFORCEMENT

House Bill 385 KENTUCKY LAW ENFORCEMENT COUNCIL
Sponsor: Representative Kimberly Moser (R-Taylor Mill)

House Bill 385 amends KRS 15.315 to add the president of the Kentucky Women's Law Enforcement Network as an ex officio voting member of the Kentucky Law Enforcement Council.

House Bill 191 REVOCATION OF PEACE OFFICER CERTIFICATION
Sponsor: Representative John Blanton (R-Salyersville)

House Bill 191 amends KRS 15.391, relating to grounds for the revocation of peace officer certification, to distinguish conditions that require revocation of certification by the Kentucky Law Enforcement Council from conditions that may trigger revocation.

KRS 15.391 is amended to require revocation of the certification of a peace officer by the Law Enforcement Council for one or more of the following: (1) certification that was the result of an administrative error; (2) a plea of guilty to, conviction of or entering of an Alford plea to any felony; (3) prohibition by federal or state law from possessing a firearm; or (4) receipt of a dishonorable discharge or bad conduct discharge from any branch of the U.S. Armed Forces.

The certification of a peace officer may be revoked by the council for one or more of the following triggers: (1) willful falsification of information to obtain or maintain certified status; (2) failure to meet or maintain training requirements, unless the certification is in inactive status; (3) professional malfeasance or professional nonfeasance by his or her agency; (4) resignation or retirement of the peace officer while he or she is under criminal investigation or administrative investigation for professional malfeasance or professional nonfeasance that, in the judgment of the agency that employed the peace officer, would have likely resulted in the termination of the officer had it been substantiated prior to his or her resignation or retirement; and (5) receipt of general discharge under other than honorable conditions from any branch of the U.S. Armed Forces that results in the termination of the peace officer from his or her agency.

The Law Enforcement Council must review any allegations or reports of conduct that may trigger revocation to determine whether the allegation or report warrants the initiation of proceedings to revoke a peace officer's certification. If the council determines to initiate proceedings for revocation, an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

A peace officer whose certification is revoked may file an appeal with the council. If an appeal is filed, the council must conduct an administrative hearing to consider reinstatement of the peace officer's certification if the revocation was made in error or the condition requiring revocation was removed or remedied.

A law enforcement agency that has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in KRS 15.391 must report the condition to the Law Enforcement Council within 15 days of gaining knowledge and notify the peace officer that a report has been made. If an agency fails to make a report, the council may suspend the agency from participation in the Kentucky Law Enforcement Foundation Program Fund for up to five years.

The council may promulgate administrative regulations to implement the provisions of House Bill 191.

KLC Deputy Executive Director J.D. Chaney and Representative John Blanton (R-Salyersville) speak on House Bill 191 at the February 13 meeting of the House Local Government Committee.

Senate Bill 121 PEACE OFFICER SEXUAL ASSAULT INVESTIGATION TRAINING
Sponsor: Senator Danny Carroll (R-Paducah)

Senate Bill 121 amends KRS 15.534 to revise current requirements for maintenance by law enforcement agencies of staff that have completed the 40-hour sexual assault investigation training course. After January 1, 2019, law enforcement agencies are required to maintain officers on staff who have completed the sexual assault investigation training course depending on the size of the agency as follows: (1) agencies with 11-20 full-time officers must maintain one officer who has completed the training course; (2) agencies with 21-50 full-time officers must maintain at least two officers who have completed the training course; and (3) agencies with 51 or more full-time officers must maintain at least four officers who have completed the training course.

An agency shall not make an officer directly responsible for the investigation or processing of sexual assault offenses unless that officer has completed the 40-hour sexual

assault investigation training course. The council may, upon application by any agency, grant an exemption from the training requirement if the agency, by limitations arising from its scope of authority, does not conduct sexual assault investigations. Any agency that fails to maintain sufficient officers on staff who have completed the 40-hour sexual assault investigation training course shall have one year to reestablish the required minimum number of trained officers.

KRS 15.386 is amended to provide, if an officer fails to successfully complete a basic training course within one year of employment, his or her law enforcement powers shall automatically terminate, unless the officer is actively enrolled and participating in a basic training course or, after having begun a basic training course, is on an approved extension of time due to injury or extenuating circumstances.

Senate Bill 150 CARRYING CONCEALED WEAPONS

Sponsor: Senator Brandon Smith (R-Hazard)

Senate Bill 150 creates a new section of KRS Chapter 237 to permit persons at least 21 years old and otherwise able to lawfully possess a firearm to carry concealed firearms or other concealed deadly weapons without a license in the same locations as persons with valid licenses issued under KRS 237.110.

Senate Bill 161 LAW ENFORCEMENT PROGRAMS FOR SUBSTANCE USE TREATMENT

Sponsor: Senator Julie Raque Adams (R-Louisville)

Senate Bill 161 amends KRS 15.525 relating to programs created by law enforcement agencies to refer persons who voluntarily seek substance use treatment to: (1) delete the requirement that the person seeking assistance be immediately paired with a volunteer mentor; (2) provide that a person is ineligible for the program if he or she places law enforcement or its representatives in reasonable apprehension of physical injury; (3) clarify that information gathered on program participants is exempt from the Kentucky Open Records Act; and (4) provide criminal and civil immunity for any law enforcement agency or person that provides referrals or services on behalf of persons who voluntarily seek substance use treatment.

House Bill 69 LOCAL INVESTMENTS
Sponsor: Representative Jerry Miller (R-Louisville)

House Bill 69 amends KRS 66.480 to expand eligible investment options for local governments and school districts to include exchange-traded funds under the same conditions as mutual funds and individual equity securities managed by a professional investment manager who is regulated by a federal regulatory agency. The individual equity securities must be included within the Standard and Poor's 500 index and a single sector shall not exceed 25 percent of the equity allocation. Eligible investments also include funds invested in individual high-quality corporate bonds that are managed by a professional investment manager; issued, assumed or guaranteed by a solvent institution created and existing under the laws of the United States; have a standard maturity of no more than 10 years; and are rated in the three highest rating categories by at least two competent credit rating agencies.

The amount of money invested in individual equity securities, individual high-quality corporate bonds, mutual funds and exchange-traded funds at any one time by a local government, school district or political subdivision is limited by House Bill 69 to no more than 40 percent of the total money invested.

A credit rating agency evaluates the creditworthiness of organizations that issue debt in public markets. A "competent rating agency" is defined to mean a rating agency certified or approved by a national entity to engage in credit rating. The certification or approval process must include but not necessarily be limited to the following: (1) a requirement for the rating agency to register and provide an annual updated filing; (2) record retention requirements; (3) financial reporting requirements; (4) policies for the prevention of misuse of material nonpublic information; (5) policies addressing management of conflicts of interest, including prohibited conflicts; (6) prohibited acts practices; (7) disclosure requirements; (8) any policies, practices and internal controls required by the national entity; and (9) standards of training, experience and competence for credit analysts.

Investments in certificates of deposit or other interest-bearing accounts are required by House Bill 69 to be issued by a bank or savings and loan institution having a physical presence in Kentucky.

House Bill 69 additionally restricts investments in any one issuer to no more than 5 percent of the total amount invested by a local government, school district or political subdivision at the time the investment is made unless: (1) the issuer is the United States government or an agency or instrumentality of the United States government, or an entity

which has its obligations guaranteed by either the United States government or an entity, agency or instrumentality of the United States government; (2) the money is invested in a certificate of deposit or other interest-bearing accounts issued by any bank or savings and loan institution having a physical presence in Kentucky that are insured by the Federal Deposit Insurance Corporation or similar entity; (3) the money is invested in bonds or certificates of indebtedness of this state and of its agencies and instrumentalities; or (4) the money is invested in securities issued by any state or local government, or any instrumentality or agency thereof, in the United States rated in one of the three highest categories by a competent rating agency.

KLC President and Jeffersontown Mayor Bill Dieruf testifies with Representative Jerry Miller (R-Louisville) at the February 6 meeting of the House Local Government Committee.

Senate Bill 172 AUDITS AND FINANCIAL STATEMENTS
Sponsor: Senator Mike Wilson (R-Bowling Green)

Senate Bill 172 amends several provisions of KRS 91A.040 relating to preparation by cities of audits and financial statements.

1. The date a city with a population greater than 2,000 must forward an electronic copy of its annual audit to the Department for Local Government (DLG) is moved from 10 days after the audit is completed and presented to the legislative body to no later than March 1 immediately following the fiscal year being audited.

2. A city with a population of 1,000 or less may elect to have an audit performed every odd-numbered fiscal year with an electronic copy of the audit report forwarded to DLG no later than March 1 immediately following the fiscal year being audited. After the close of even-numbered years, the city must forward an electronic copy of its financial statement to DLG no later than October 1 following the close of the even-numbered fiscal year.

3. A city with a population of more than 1,000, but less than 2,000, may elect to have a two-year audit performed at the close of each odd-numbered fiscal year encompassing both years to be completed by February 1 following the fiscal years to be audited. An electronic copy of the audit report must be forwarded to DLG no later than March 1 following the fiscal years being audited. For even-numbered fiscal years, the city must forward an electronic copy of its financial statement to DLG by no later than October 1 immediately following the close of the even-numbered fiscal year.

KLC Director of Governmental Affairs Bryanna Carroll, Senator Mike Wilson (R-Bowling Green) and Sara Beth Gregory, chief of staff for the Kentucky Auditor of Public Accounts, testify for Senate Bill 172 on March 6.

Senate Bill 192 PUBLIC FINANCING FOR BOND AUTHORITY
Sponsor: Senator Stephen West (R-Paris)

Senate Bill 192 amends several statutes relating to governmental leases, bonds and notes. KRS 58.190 and 65.942 are amended to require any action challenging the validity and enforceability of an ordinance or resolution approving bonds, notes or leases to be brought within 30 days from the date on which notice of adoption of the ordinance or resolution is published in accordance with KRS Chapter 424.

If an action challenging the validity or enforceability of an ordinance, resolution, lease, bond or note is not brought within 30 days from the date on which notice of the adoption of the ordinance or resolution is published, the action shall be barred forever.

KRS 424.360 is amended to provide exceptions to the requirement to advertise for bids prior to the sale of bonds. KRS 424.360, as amended, requires advertisements for bids prior to the sale of bonds of any governmental unit, except for bonds issued for the purpose of facilitating the construction, renovation and purchase of new or existing housing and bonds issued and sold at a private negotiated sale. Advertisements for bids may be

publicized by a newspaper or by posting a notice of sale to a nationally recognized electronic bidding system.

KRS 424.130 is amended to provide that failure to advertise a completed act such as an ordinance or resolution within 30 days of completion of the act shall not invalidate the ordinance or resolution unless the failure continues for a period of 15 days after notice to comply is given by registered mail.

Bonds for Industrial Buildings:

KRS 103.200 relating to revenue bonds for industrial buildings for city and county projects is amended to include within the definition of an industrial building any use by an entity recognized by the Internal Revenue Service as a nonprofit, tax exempt organization in a manner related to or in furtherance of the entity's exempt purposes. KRS 103.2101 is amended to extend the maximum length of any bond authorization for industrial buildings from 30 to 40 years.

Protection of Public Property from Garnishment:

KRS 66.400 is amended to protect public property from garnishment following a court judgment. The amendment clarifies that a general obligation pledge of revenues for the payment of bonds or leases is a pledge of taxes only and not a pledge of the public property of a local government. The funds of a local government in the hands of its treasurer or a bank shall not be subject to garnishment except upon entry of a court order finding the local government: (1) has failed to comply with a court order or judgment; (2) after a period of 24 months, did not petition the court for the payment of money damages in whole or in part through a periodic payment schedule; or (3) has failed to pay total damages due within 24 months after entry of a final judgment.

Any order of attachment, execution, garnishment or seizure of public property shall not impair the ability of the local government to continue to provide essential services to the public, including the payment of key personnel needed for the provision of those services and employees necessary for the collection of revenues on behalf of the local government.

Any local government against which final judgment has been rendered for a claim that is not fully covered by insurance may make a motion to the Circuit Court to enter an order for the payment of money damages, in whole or in part, through a periodic payment schedule for a period not to exceed 10 years. A court entering an order in response to a motion made by a local government shall consider the ability of the local government to pay the judgment without a substantial disruption to the essential public services provided by

the local government. Factors to be considered by the court in setting a periodic payment schedule include funds available to the local government and reasonably expected revenues and expenses.

Upon petition to the court, the court may modify a periodic payment schedule for good cause shown by the local government. The modification may include changes to the amount of payments, the number of payments and the period of payments. In no case shall an adjustment alter the total amount of damages to be paid, exclusive of interest, in the original order.

The Senate Appropriations and Revenue Committee unanimously passes Senate Bill 192 on February 26 after testimony from KLC Deputy Executive Director J.D. Chaney and Senator Steve West (R-Paris).

House Bill 26 PROCUREMENT
Sponsor: Representative Rob Rothenburger (R-Shelbyville)

House Bill 26 amends three statutes relating to procurement. KRS 45A.385, relating to small purchases by local public agencies under the local government model procurement code, is amended to increase from $20,000 to $30,000 the aggregate amount of a contract for which a local public agency may use small purchase procedures.

KRS 45A.430 is amended to increase the threshold from $20,000 to $100,000 when bidder security is required for competitive sealed bids for construction contracts if a contract price is estimated by a local public agency to exceed $100,000.

KRS 424.260 is amended to permit local public officials to make contracts or enter into agreements without first making newspaper advertisement for bids for the purchase of materials, supplies, equipment or services for expenditures of less than $30,000, rather than for expenditures of less than $20,000, as previously required.

House Bill 135 CONTRACTING FOR PUBLIC WORKS PROJECTS
Sponsor: Representative Phillip Pratt (R-Georgetown)

House Bill 135 creates new sections of KRS Chapter 45A to set guidelines for awarding contracts for public works projects. Public agencies awarding contracts for public works projects shall not impose any requirement for awarding a contract in bid specifications, project agreements or other contract documents that require or prohibit bidders to adhere to agreements with a labor organization.

"Public works" means all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or work, including adult correctional facilities as defined in KRS 197.500, constructed under contract with any public agency.

House Bill 135 does not do any of the following: (1) prohibit a public agency from awarding a contract, grant, tax abatement or tax credit to a private owner, bidder or contractor who is party to an agreement with a labor organization, if being or becoming a party or adhering to an agreement with a labor organization is not a condition for award of the contract, grant, tax credit or tax abatement; (2) prohibit a contractor from voluntarily entering into or complying with an agreement entered into with a labor organization in regard to a contract with a public agency or funded in whole or in part from a grant, tax abatement or tax credit from a public agency; (3) prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the National Labor Relations Act; or (4) interfere with labor relations of parties that are not regulated under the National Labor Relations Act.

A public agency may exempt a project, contract, grant, tax abatement or tax credit from the requirements of any or all of the provisions of House Bill 135 if the public agency finds, after public notice and a hearing, that special circumstances require an exemption to avert an imminent threat to public health or safety. A finding of special circumstances may not be based on the possibility or presence of a labor dispute concerning the use of contractors who are not signatories to, or otherwise do not adhere to, agreements with one or more labor organizations or employees on the project who are not members of, or affiliated with, a labor organization.

House Bill 339 CLASSIFICATION REFORM 2.0
Sponsor: Representative Michael Meredith (R-Oakland)

House Bill 339 continues reclassification efforts initiated by passage of House Bill 331 in 2014. It further removes distinctions in powers granted by the General Assembly to cities based on class.

KRS 92.281 is amended to permit any city with a population of less than 1,000 to levy license fees on businesses, trades, occupations or professions at a percentage rate on salaries, wages, commissions or other compensation for work done or services performed within the city.

KRS 96.120 is amended to permit any city that owns and operates its own water or light plant, rather than only cities with populations between 8,000 and 19,999, to contract with any other city to furnish it water and light. The contracts may be entered into by the legislative bodies of the cities, and the legislative bodies are given full power to contract in regard to furnishing water and light. Any city may pay to any other city a rental for water and light from year to year or for a term of years. Additionally, any city may install the necessary infrastructure to receive or convey water or light services from another city.

Representative Michael Meredith (R-Oakland) speaks on House Bill 339 before a House vote on February 27.

House Concurrent Resolution 137 COMPLETE COUNT COMMITTEES FOR CENSUS EFFORT

Sponsor: Representative David Osborne (R-Prospect)

The Kentucky House of Representatives adopted House Concurrent Resolution 137 to urge communities in Kentucky to establish local complete count committees similar to state-level complete count committees recommended by the U.S. Census Bureau to: (1) prepare for and localize efforts for the 2020 Census with the goal of heightening awareness and encouraging citizen participation; and (2) engage in publicity, outreach and educational efforts to community leaders in an effort to overcome cultural, economic, technological and linguistic barriers to participation in the 2020 Census.

The General Assembly further urges all local governments, leaders, media and stakeholders to fully prepare for and participate in planning for the 2020 Census.

The Clerk of the House of Representatives shall send a copy of the resolution and notification of its adoption to the Governor, the Kentucky League of Cities and the Kentucky Association of Counties.

Senate Bill 89 ABATEMENT OF METHAMPHETAMINE CONTAMINATION

Sponsor: Senator Ralph Alvarado (R-Winchester)

Senate Bill 89 creates a new section of KRS 65.8801 to 65.8839 relating to code enforcement boards to permit local governments to provide by ordinance for the abatement and decontamination of a property where a methamphetamine contamination notice has been posted, as provided in KRS 224.1-410, on each exterior door.

KRS 65.8840 is amended to require notice and an opportunity to request a hearing be afforded to an owner prior to decontamination of a property where a decontamination notice has been posted. The right to request a hearing shall be limited to a period of 30 days after notice has been posted on the property and sent by certified mail return receipt requested. A lien for all fees, charges and costs incurred by the local government in the enforcement of an ordinance related to decontamination of property where a decontamination notice has been posted shall be placed on the property by affidavit of the code enforcement officer recorded in the office of the county clerk.

KRS 132.012 is amended to include in the definition of "abandoned urban property" properties that have had a methamphetamine contamination notice posted for a period of

at least 90 days, and the owner has neither appealed the notice nor provided a certificate of decontamination during the 90 days.

KRS 426.205 is amended to specify that a lien for the costs to a local government for the abatement and decontamination of a property where a methamphetamine contamination notice has been posted qualifies as a lien for which a sale may be ordered when the property is determined to be abandoned.

The Senate State and Local Government Committee passes Senate Bill 89 on February 25 after hearing testimony from Senator Ralph Alvarado (R-Winchester).

Senate Bill 148 DISPOSITION OF SURPLUS PROPERTY
Sponsor: Senator Matt Castlen (R-Owensboro)

Senate Bill 148 amends KRS 45A.425 to permit a city, urban county government or consolidated local government that has adopted the provisions of KRS 45A.343 to 45A.460 of the Model Procurement Code to dispose of surplus property pursuant to KRS 45A.425 or by using the procedures in KRS 82.083 relating to the sale or other disposition of city property.

KLC Director of Governmental Affairs Bryanna Carroll testifies with Senator Matt Castlen (R-Owensboro) before the Senate State and Local Government Committee in support of Senate Bill 148.

House Bill 49 PROPERTY TAX RECALL PETITIONS
Sponsor: Representative Stan Lee (R-Lexington)

House Bill 49 amends requirements for filing a property tax recall petition. KRS 132.017 is amended to extend from 45 days to 50 days the deadline to file a recall petition upon levy by a district board of education or other taxing district of a tax rate subject to recall as provided for in KRS 68.245, 132.023, 132.027 and 160.470 when the board of education or other taxing district is primarily located in a county containing an urban county government or consolidated local government.

A petition committee formed to commence petition proceedings to protest passage of a tax levy subject to recall in a county containing an urban county government or consolidated local government must include in the affidavit filed with the county clerk a statement on whether the petition committee is willing to incur all the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, electronic petition signatures shall not be allowed for the petition.

If allowed, electronic petition signatures shall be included in determining whether the required number of petition signatures have been obtained when the expenses associated with the electronic petition signatures have been paid and the signatures comply with the requirements of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120.

For a district board of education or other taxing district that is primarily located in a county containing an urban county government or consolidated local government, each sheet of the petition may contain the names of voters from more than one voting precinct. For all other taxing districts, each sheet of a petition must contain the names of voters from one voting precinct. All papers of a petition must be substantially uniform in size and style.

House Bill 49 requires all signatures on a recall petition, whether electronic or nonelectronic, to be followed by the name and number of the designated voting precinct.

House Bill 458 BANK FRANCHISE TAXES
Sponsor: Representative Steven Rudy (R-Paducah)

KLC SUPPORTED

House Bill 458 creates a new section of KRS 136.500 to 136.575 to subject all financial institutions to payment of the corporate income tax under KRS 141.040 and the limited liability entity tax under KRS 141.0401 beginning January 1, 2021, instead of payment of the bank franchise tax under KRS 136.505.

The local government bank franchise tax provided for in KRS 136.575 is not impacted by House Bill 458. Financial institutions remain subject to payment of all applicable local government bank franchises taxes imposed under KRS 136.575.

KLC Deputy Executive Director J.D. Chaney and Shellie Hampton, director of governmental relations for the Kentucky Association of Counties (KACo), testify on March 28, the final day of the session, on the need for legislators to pass House Bill 458.

SECTION 14: OPEN RECORDS

House Bill 151 VEHICLE ACCIDENT REPORTS
Sponsor: Representative Joseph Fischer (R-Fort Thomas)

House Bill 151 amends KRS 189.635 to expand the definition of "news-gathering organization" for purposes of access to vehicle accident reports for news reporting purposes. The definition is expanded to include: (1) a television or radio station holding a valid broadcast license issued by the Federal Communications Commission; (2) a news organization that broadcasts over a multichannel video programming service comparable to programming provided by a television broadcast station, including cable and satellite service, and internet television; (3) a website published by or affiliated with any news-gathering organization; (4) an online-only newspaper or magazine that publishes news or opinions of interest to a general audience; and (5) any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group.

A news-gathering organization was previously defined as a newspaper or periodical published at least 50 weeks per year containing at least 25 percent news content in each issue of general interest to its readers that can include news, stories, editorials, sports, weddings, births and death notices.

House Bill 151 requires a news-gathering organization to identify the specific type of news-gathering organization under which it qualifies when requesting an accident report solely for the purpose of publishing or broadcasting the news. Vehicle accident reports may be provided to a news-gathering organization without redaction.

Senate Bill 230 APPLICATIONS FOR INSPECTION
Sponsor: Senator Wil Schroder (R-Wilder)

Senate Bill 230 amends KRS 61.872 to provide an additional option for submission of a written application for inspection of a public record. Currently an official custodian may require a request for inspection of a public record be submitted by written application, signed by the applicant, describing the records to be inspected. It may be delivered by hand, mail or facsimile to the public agency, as determined by the custodian.

If a written application is required by the custodian, Senate Bill 230 permits delivery by email at the discretion of the custodian, in addition to delivery by hand, mail or facsimile.

House Bill 55 REEMPLOYMENT OF ELECTED OFFICIALS
Sponsor: Representative Jerry Miller (R-Louisville)

House Bill 55 amends KRS 61.637 to provide that if an elected official participating in one of the systems of the Kentucky Retirement Systems retires from elected office and is reelected to the same office within 12 months of retiring, his or her retirement shall be voided.

House Bill 80 KENTUCKY RETIREMENT SYSTEMS ADMINISTRATION
Sponsor: Representative Jerry Miller (R-Louisville)

House Bill 80 amends KRS 61.645 to permit the Kentucky Retirement Systems (KRS) to conduct trustee elections using electronic ballots in lieu of ballots mailed to members and retired members, except that the systems shall mail a paper ballot upon request of any eligible voter.

KRS 78.625 is amended to make an option, rather than a requirement, for KRS to pursue penalties for a participating agency's failure to timely file all contributions and reports.

KRS 61.675 is amended to permit the 1 percent employee contribution rate for retiree health for employees who began participating on or after September 1, 2008, to be credited to the KRS insurance trust fund established under KRS 61.701, as well as to funds established in KRS 16.510, 61.515 and 78.520, as currently required, at the discretion of the KRS Board of Trustees.

House Bill 80 also includes uncodified language to synchronize the election of trustees representing the County Employees Retirement System (CERS). The successor of the CERS trustee whose election as trustee was completed in accordance with legislation passed in 2013 shall be elected during the period of January 1, 2021, through March 31, 2021, but shall not take office until November 1, 2021, and shall serve a term of office ending March 31, 2025.

Representative Jerry Miller (R-Louisville) listens to testimony in the Licensing, Occupations and Administrative Regulations Committee.

House Bill 419 CONTRACTING OR REEMPLOYMENT OF RETIRED EMPLOYEES
Sponsor: Representative Bart Rowland (R-Tompkinsville)

KRS 61.590 and 61.637 are amended to simplify and reduce reporting requirements for retirees who seek reemployment. Members of the Kentucky Retirement Systems (KRS) are required by House Bill 419 to certify at the time of retirement, rather than at the time of reemployment, that no prearranged agreement exists between the member and any participating agency. Retirement benefits shall not be paid to the member until the member completes the certification.

KRS 61.637 is amended to change reporting requirements based on the time of reemployment. If a retired member accepts employment or begins serving as a volunteer with a participating employer within 12 months of his or her retirement date, the retired member and the participating employer must inform KRS of the individual's employment or volunteer status. The retired member shall not be required to notify the retirement systems regarding any employment or volunteer service with a participating employer that is accepted after 12 months following his or her retirement date. Participating employers shall not be required to certify whether a prearranged agreement existed for a retiree to return to a participating agency if reemployment occurs after 12 months following retirement.

KRS 61.637 is also amended to change reporting requirements based on the time a retired member becomes under contract to provide services as an independent contractor or a leased employee of a participating agency. If a retired member becomes under contract to provide services as an independent contractor or a leased employee with a participating employer within 12 months of his or her retirement date, the retired member and participating employer must submit required information to KRS to confirm the member's status as an independent contractor or leased employee, including a copy of any contract. The retired member and participating employer shall not be required to notify KRS regarding any services entered into as an independent contractor or leased employee with a participating employer after 12 months following his or her retirement date.

KLC Director of Governmental Affairs Bryanna Carroll and Representative Bart Rowland (R-Tompkinsville) testify on House Bill 419 at the February 27 meeting of the House Local Government Committee.

KRS is required by House Bill 419 to issue a final determination regarding the absence of a prearranged agreement or a retired member's qualification as an independent contractor or leased employee no later than 30 days after the retired member and participating employer provide all required information. If it is determined that there is a prearranged agreement or that a retired member does not qualify as an independent contractor or leased employee, the member's retirement shall be voided.

House Bill 489 FIDUCIARY AND ETHICAL DUTIES OF BOARDS OF TRUSTEES
Sponsor: Representative Jerry Miller (R-Louisville)

House Bill 489 addresses fiduciary and ethical duties of the Boards of Trustees of the Kentucky Retirement Systems (KRS) and the Kentucky Teachers' Retirement System (KTRS). KRS 61.650 and KRS 161.430 are amended to require: (1) all internal investment staff and investment consultants to adhere to the Code of Ethics and Professional Conduct; (2) all board trustees to adhere to the Code of Conduct for Members of a Pension Scheme Governing Body promulgated by the Chartered Financial Analyst Institute; and (3) investment managers to comply with all applicable provisions of the federal Investment Advisers Act of 1940, as amended, and all other applicable federal securities statutes and related rules and regulations that apply to investment managers.

Conflict of interest provisions in KRS 61.655 and 161.460 are repealed and reenacted to prohibit any trustee of KRS or KTRS to: (1) have any interest, direct or indirect, in the gains or profits of any investment or any other legal, business or financial transaction made by the board, except insofar as a trustee may be a member, employee or beneficiary of the retirement system; (2) use his or her official position with the board to obtain a financial gain, benefit or advantage for himself or herself or a family member; and (3) hold outside employment with, or accept compensation from, any person or business with which he or she has involvement as part of his or her official position with the Board of Trustees.

An emergency is declared. House Bill 489 became law on March 25, 2019, when signed by the Governor.

Representative Jerry Miller (R-Louisville) testifies with representatives from the Kentucky Teachers' Retirement System (KTRS) and the Kentucky Retirement Systems (KRS).

House Bill 381 REEMPLOYMENT OF RETIRED POLICE OFFICERS BY A POSTSECONDARY INSTITUTION

Sponsor: Representative John Blanton (R-Salyersville)

House Bill 381 creates a new section of KRS Chapter 164 to permit a postsecondary institution to employ individuals as police officers who have retired from the Kentucky Employees Retirement System (KERS), the County Employees Retirement System (CERS) or the State Police Retirement System (SPRS). "Postsecondary institution" means any public institution of postsecondary education authorized to establish a police department pursuant to KRS 164.950 to 164.980 that participates in KERS.

To be eligible for employment an individual must have: (1) participated in the Kentucky Law Enforcement Foundation Program Fund; (2) retired as a commissioned officer or as a police officer from a postsecondary institution; (3) retired with at least 20 years of service credit; (4) separated from service for the period required by KRS 61.637 so that the member's retirement is not voided; (5) retired with no administrative charges pending; and (6) retired with no preexisting agreement between the individual and the postsecondary institution prior to the individual's retirement for the individual to return to work for the postsecondary institution.

Individuals shall be employed based upon need as determined by the employing postsecondary institution for a term not to exceed one year and compensated according to the standard procedures applicable to the employing postsecondary institution. The one year employment term may be renewed annually at the discretion of the employing postsecondary institution.

Retired officers employed by a postsecondary institution shall: (1) continue to receive all retirement and health insurance benefits to which they were entitled upon retirement; and (2) be ineligible to receive health insurance coverage through the employing postsecondary institution. The postsecondary institution is not required to pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems (KRS) or any insurance contributions to the state health insurance plan for officers employed.

The number of retired police officers a postsecondary institution may hire is limited to five retired police officers, or a number equal to 25 percent of the police officers employed by the postsecondary institution in calendar year 2018, whichever is greater.

Senate Bill 1 SCHOOL SAFETY AND SECURITY
Sponsor: Senator Max Wise (R-Campbellsville)

Senate Bill 1 is comprehensive legislation with the goal of improving safety and security in Kentucky schools. Components of the bill include facility security enhancements, increased training for school and law enforcement personnel, and increased focus on mental and behavioral health services.

KRS 158.441 is amended to define school safety and school security. "School safety" is defined to mean a program of prevention that protects students and staff from substance abuse, violence, bullying, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire and natural disasters. "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms and other school facilities and properties.

Center for School Safety:

KRS 158.442 is amended to reconstitute the board of directors of the currently existing Center for School Safety to include the following 15 members: (1) commissioner of the Department of Education; (2) secretary of the Cabinet for Health and Family Services; (3) commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities; (4) commissioner of the Department of Kentucky State Police; (5) commissioner of the Department of Criminal Justice Training; (6) executive director of the Kentucky Office of Homeland Security; (7) a representative appointed by the Governor from a list of three names submitted by the Kentucky League of Cities; (8) a representative appointed by the Governor from a list of three names submitted by the Kentucky School Boards Association; (9) a representative appointed by the Governor from a list of three names submitted by the Kentucky Association of School Superintendents; (10) a representative appointed by the Governor from a list of three names submitted by the Kentucky Association of School Resource Officers; (11) a representative appointed by the Governor from a list of three names submitted by the Kentucky Education Association; (12) a representative appointed by the Governor from a list of three names submitted by the Kentucky School Nurses Association; (13) a representative appointed by the Governor from a list of three names submitted by the Kentucky Association for Psychology in Schools; (14) a representative appointed by the Governor from a list of three names submitted by the Kentucky School Counselor Association; and (15) a representative appointed by the Governor from a list of three names submitted by the Kentucky Parent Teacher Association.

In addition to current duties, the Center for School Safety is required by Senate Bill 1 to develop and implement a school safety coordinator training program based on national

and state best practices in collaboration with the Kentucky Department of Education for school safety coordinators based in each school district. The training must be approved by the board of directors of the Center for School Safety and include instruction on at least the following: (1) policies and procedures for conducting emergency response drills using an all-hazards approach, including hostage and active-shooter situations; (2) identification and response to threats to school safety and security; and (3) procedures for preparing, conducting and reviewing school security risk assessments.

Beginning July 1, 2020, and by July 1 of each year thereafter, the Center for School Safety must additionally provide an annual report to the Governor, Kentucky Board of Education and the Interim Joint Committee on Education regarding the status of school safety in Kentucky, including the number and placement of school resource officers in school districts in Kentucky and the source of funding and method of employment for each position.

KRS 158.443 is amended to require the board of directors, in addition to current duties, to: (1) appoint an executive director for the Center for School Safety and establish all positions for appointment by the executive director; (2) approve a school safety coordinator training program developed by the Center for School Safety; (3) approve a school security risk assessment tool and update as necessary; and (4) within one year of the effective date of Senate Bill 1, review the organizational structure and operations of the Center for School Safety and provide recommendations, as needed, for improvements in its organizational and operational performance.

KLC Director of Governmental Affairs Bryanna Carroll, Senator Max Wise (R-Campbellsville) and Eric Kennedy, governmental relations director for the Kentucky School Boards Association, testify before the Senate Education Committee on February 7.

State School Security Marshal:

A new section of KRS Chapter 158 is created to establish the Office of State School Security Marshal within the Department of Criminal Justice Training to develop and monitor school safety and security initiatives. The state school security marshal shall be appointed by and report to the commissioner of the Department of Criminal Justice Training. KRS 15A.450 is amended to require the salary and associated operating expenses of the Office of State School Security Marshal be paid from moneys appropriated and accruing to the Kentucky Law Enforcement Foundation Program Fund.

By September 1 of each year, the state security marshal must present an annual report to the board of the Center for School Safety consisting of a summary of findings and recommendations made regarding the school safety and security activity of the previous school year and other items of significance as determined by the Center for School Safety or the Department of Criminal Justice Training. Following presentation to the Center for School Safety, the annual report information must be submitted to the Legislative Research Commission and the Kentucky Board of Education.

By July 1, 2020, the state school security marshal must develop and update as necessary a school security risk assessment tool in collaboration with the Center for School Safety and the Kentucky Department of Education to be used by local school districts to evaluate school security compared to best practices and standards in the following areas: (1) school emergency and crisis preparedness planning; (2) security, crime and violence prevention policies and procedures; (3) physical security measures; (4) professional development training needs; (5) support service roles in school safety, security and emergency and crisis preparedness planning; (6) school resource officer staffing, operational practices and related services; (7) school and community collaboration on school security; and (8) an analysis of the cost effectiveness of recommended physical security controls.

Completion of School Security Risk Assessment:

No later than July 15, 2021, and each subsequent year, the local district superintendent must send verification to the state school security marshal and the Kentucky Department of Education that all schools within the district have completed the school security risk assessment for the previous year. School security risk assessments are excluded from open records requirements.

Beginning with the 2021-2022 school year, and each subsequent year, any school that has not completed a school security risk assessment in the previous year shall be required to provide additional mandatory training established by the Department of

Criminal Justice Training for all staff employed at the school.

District School Safety Coordinator:

A new section of KRS Chapter 158 is created to require each local school district superintendent to appoint a district-level school administrator to serve as the district's school safety coordinator and primary point of contact for public school safety and security functions for the district beginning with the 2019-2020 school year. The school safety coordinator shall:

1. Complete the school safety coordinator training program developed by the Center for School Safety within six months of his or her date of appointment;

2. Designate a school safety and security threat assessment team at each school within the district consisting of two or more staff members in accordance with policies and procedures adopted by the local board of education to identify and respond to students exhibiting behavior that could pose a threat to school safety or security. Members of a threat assessment team may include school administrators, school counselors, school resource officers, school-based mental health services providers, teachers and other school personnel;

3. Provide training to school principals within the district on procedures for completion of the required school security risk assessment;

4. Review all school security risk assessments completed within the district and prescribe recommendations as needed in consultation with the state school security marshal;

5. Advise the local school district superintendent by July 1, 2021, and annually thereafter, of completion of required security risk assessments;

6. Formulate recommended policies and procedures for an all-hazards approach, including conducting emergency response drills for hostage, active shooter and building lockdown situations in consultation and coordination with appropriate public safety agencies for review and adoption as part of a school emergency plan; and

7. Ensure each school campus is toured at least once per school year, in consultation and coordination with appropriate public safety agencies, to review policies and procedures and provide recommendations related to school safety and security.

KLC Deputy Executive Director J.D. Chaney and Director of Governmental Affairs Bryanna Carroll with Senate Bill 1 sponsor Senator Max Wise (R-Campbellsville) and House Bill 1 sponsor Representative Bam Carney (R-Campbellsville).

School Resource Officers:

A new section of KRS Chapter 158 is created to require local boards of education, school district superintendents and local and state law enforcement agencies to cooperate to assign one or more certified school resource officers to each school within a school district as funds and qualified personnel become available.

"School resource officer" (SRO) is defined to mean a sworn law enforcement officer who has specialized training to work with youth at a school site, whether employed through a contract between a local law enforcement agency and a school district, the Department of Kentucky State Police and a school district, or directly by a board of education.

Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police must enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party. Local boards of education utilizing a school resource officer employed directly by the local board of education must likewise adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of each party.

On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, is required to promulgate administrative regulations to establish three levels of training for certification of school resource officers first employed as a school resource officer on or after the effective date of Senate Bill 1: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of 40 hours of training, with SRO I to be completed within one year of the date of the officer's

employment and SRO II and SRO III within the subsequent two years.

Course curriculum for school resource officers employed on or after the effective date of Senate Bill 1 must include but not be limited to: (1) foundations of school-based law enforcement; (2) threat assessment and response; (3) youth drug use and abuse; (4) social media and cyber security; (5) school resource officers as teachers and mentors; (6) youth mental health awareness; (7) diversity training; (8) trauma-informed action; (9) understanding special needs students; and (10) de-escalating strategies.

Effective January 1, 2020, all school resource officers with active certification status must successfully complete 40 hours of annual in-service training certified or recognized by the Kentucky Law Enforcement Council for school resource officers.

Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer work in a school until successful completion of the training deficiencies.

No later than November 1 of each year, the local school district superintendent must report to the Center for School Safety the number and placement of school resource officers in the district, along with the source of funding and method of employment for each position.

Building Security:

KRS 158.162 is amended to require additional practices to control access to school buildings and classrooms. In addition to currently required measures, each school is required to comply with the following practices as soon as practicable, but no later than July 1, 2022: (1) control the main entrance to the school with electronically locking doors, cameras and an intercom system; (2) equip classroom doors with hardware that allows the door to be locked from the outside but opened from the inside; (3) require classroom doors to remain closed and locked during instructional time; and (4) require classroom doors with windows to be equipped with material to quickly cover the window during a building lockdown.

A district with a school not in compliance with the building security requirements by July 1, 2022, shall not be eligible for approval for new building construction or expansion in the 2022-2023 school year and any subsequent year without verification of compliance.

Suicide Prevention and Active Shooter Training:

KRS 156.095 is amended to require every school by September 15 of each year to provide suicide prevention awareness information in person, by live streaming or by a video recording to all students in grades 6 through 12. School district employees with job duties requiring direct contact with students in grades 6 through 12 must annually receive one hour of suicide prevention training, including the recognition of signs and symptoms of possible mental illness, provided in person, by live streaming or by a video recording. That may be included in the four days of professional development under KRS 158.070.

By November 1, 2019, and November 1 of each year thereafter, all school district employees with job duties requiring direct contact with students must receive a minimum of one hour of training on how to respond to an active shooter situation provided either in person, by live streaming or by a video recording prepared by the Kentucky Department of Education in collaboration with the Kentucky Law Enforcement Council and the Center for School Safety. That may be included in the four days of professional development under KRS 158.070.

Trauma-Informed Schools and School-Based Mental Health Services:

Beginning July 1, 2021, or as funds and qualified personnel become available, each school district must employ at least one school counselor in each school with the goal of having one school counselor for every 250 students spending 60 percent or more of his or her time in direct service to students.

A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior and relationships have been impacted by trauma. The team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses and any other school or district personnel.

Each school counselor or school-based mental health services provider and the trauma-informed team members shall provide training, guidance and assistance to other administrators, teachers and staff in: (1) recognizing symptoms of trauma in students; (2) utilizing interventions and strategies to support the learning needs of those students; and (3) implementing a plan for a trauma-informed approach.

On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices and techniques to assist school districts in developing a trauma-informed approach in schools.

School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team to enhance or expand student mental health support services as funds and qualified personnel become available. School-based mental health service providers may provide services through a collaboration between two or more school districts, between school districts and educational cooperatives, or by any other public or private entities, including but not limited to local or regional mental health day treatment programs.

On or before November 1, 2019, and each subsequent year, the local school district superintendent must report the following to the Department of Education: (1) the number and placement of school counselors in the district; (2) the source of funding for each position; (3) a summary of the job duties and work undertaken by each counselor; and (4) the approximate percent of time devoted to each duty over the course of the year.

KRS 70.062, 95.970 and a new section of KRS Chapter 16 are amended to encourage the sheriff in each county, the police chief in each city and the Department of Kentucky State Police to collaborate with the local school district on policies and procedures for communicating to the school district any instances of student-involved trauma.

Senator Max Wise (R-Campbellsville) and Representative Bam Carney (R-Campbellsville) share congratulations after passage of Senate Bill 1 in the House on February 27.

Terroristic Threatening:

KRS 508.078 is amended to include within the offense of terroristic threatening in the second degree making false statements by any means for the purpose of: (1) causing evacuation of a school building, school property or a school-sanctioned activity; (2) causing cancellation of school classes or a school-sanctioned activity; or (3) creating fear of serious bodily harm among students, parents or school personnel. Terroristic threatening in the second degree is a Class D felony.

The superintendent of each local school district shall require the principal of each school within the district to provide written notice to all students, parents and guardians of students within 10 days of the first instructional day of each school year of the provisions of KRS 508.078 relating to terroristic threatening and potential penalties under KRS 532.060 and 534.030 upon conviction.

Tip Line:

A new section of KRS Chapter 158 is created to require the Kentucky Office of Homeland Security, after collaborating with the Center for School Safety, the Kentucky Department of Education, the Department of Criminal Justice Training and the Department of Kentucky State Police, to make available to each local school district by July 1, 2019, an anonymous reporting tool that allows students, parents and community members to supply information concerning unsafe, potentially harmful, dangerous or violent situations, criminal activities, or the threat of these activities to appropriate public safety agencies and school officials. The reporting tool shall be accessible at least by telephone call, email and a mobile device application.

Information reported using the tool shall immediately be sent to the administration of each school district affected and the law enforcement agencies responsible for protection of those school districts, including but not limited to the local sheriff's office, the local city police department and the Kentucky State Police.

Law enforcement dispatch centers, school districts, schools and other entities identified by the Kentucky Office of Homeland Security shall be made aware of the reporting tool.

Foundation Support:

A new section of KRS Chapter 158 is created to encourage donations to public school system foundations and local boards of education restricted by the grantor to be used in furtherance of school safety and security purposes.

An emergency is declared. Senate Bill 1 became law on March 11, 2019, when signed by the Governor.

Senate Bill 162 KENTUCKY STATE POLICE SCHOOL RESOURCE OFFICERS
Sponsor: Senator Danny Carroll (R-Paducah)

Senate Bill 162 creates a new section of KRS Chapter 158 to establish requirements for employment by a school district of a Kentucky State Police officer as a Kentucky State Police school resource officer (KSPSRO). "KSPSRO" is defined to mean a Kentucky State Police officer, CVE R Class or Trooper R Class, as defined in KRS 16.010, employed by a school district as a school resource officer through a contract as secondary employment for the officer to promote the safety and security of students and school personnel during school activities and on school property. In addition to being a sworn law enforcement officer, a KSPSRO must be trained in school-based policing and crisis response.

If a school district decides to utilize a KSPSRO, the school district and the officer must first enter into a memorandum of understanding that clarifies the purpose of the KSPSRO program and the roles and expectations of the participating entities. Any contract entered into must include provisions:

1. Stipulating that the KSPSRO shall be an employee of the school district, but shall revert to Department of Kentucky State Police employee status during such time that the KSPSRO takes police action pursuant to state or federal law. When taking police action, the KSPSRO shall be under the immediate supervision and direction of the Department of Kentucky State Police;

2. Specifying that the KSPSRO shall follow the policies and procedures of the Department of Kentucky State Police and abide by federal, state and local laws. The responsibility and decision to arrest or take other police action lies solely with the KSPSRO pursuant to state law and departmental standard operating procedures or standing order. The KSPSRO's continual collaboration with school personnel and his or her understanding of each student's needs may impact the decision to take police action, but the responsibility is that of the KSPSRO;

3. Stipulating that the school district shall be responsible for workers' compensation coverage for the KSPSRO; and

4. Detailing how liability coverage will be provided for any acts or omissions of the KSPSRO within the scope of his or her duties.

A KSPSRO may assist with supportive activities and programs, including but not limited to: (1) planning and implementing procedures to train school personnel how to respond to crisis events, control access to school property during the school day, and close or partially close school property after students arrive; (2) identifying risk factors; and (3) coordinating nurturing intervention and prevention efforts.

A KSPSRO shall not address school discipline issues that do not constitute crimes, impact the immediate health or safety of students or school personnel or administer formal school discipline such as detentions, suspensions or expulsions. A KSPSRO shall wear the uniform and utilize the vehicles, firearms, ammunition and equipment issued to him or her by the Department of Kentucky State Police or other agency-authorized clothing or equipment.

KRS 16.505, 61.510 and 78.510 are amended to exempt an employer from paying contributions to the Kentucky Retirement Systems (KRS) on any salary or wages paid to a retiree for services as a KSPSRO.

Senator Danny Carroll (R-Paducah) presents Senate Bill 162 to the Senate Education Committee.

Photo courtesy: LRC Public Information

House Bill 176 SURCHARGES ON INSURANCE POLICIES
Sponsor: Representative Adam Koenig (R-Erlanger)

House Bill 176 amends KRS 136.392 to require future adjustments to the insurance premium surcharge rate to be determined by an act of the General Assembly, rather than by the commissioner of the Department of Revenue as currently required, and applied 90 days after the effective date of the act of the General Assembly. The legislation codifies the current insurance premium surcharge of $1.80 upon each $100 of premium.

Currently the surcharge rate is adjusted by the commissioner of the Department of Revenue to a rate calculated to provide sufficient funds for the uses and purposes of the Law Enforcement Foundation Program Fund and the Firefighters Foundation Program Fund for each fiscal year. An adjusted rate takes effect six months from the date the commissioner of the Department of Insurance notifies affected insurers.

Effective July 1, 2019.

House Bill 354 STATE SALES TAX EXEMPTIONS
Sponsor: Representative Steven Rudy (R-Paducah)

House Bill 354 creates a new section of KRS Chapter 139 to exempt the sale of admissions charged by nonprofit civic and governmental organizations from payment of state sales and use tax on gross receipts. The exemption does not apply to the sale of admissions to a public facility that qualifies for a sales tax rebate under KRS 139.533. The legislation corrects unintended consequences of sales tax provisions enacted by the General Assembly in 2018.

KRS 139.010 defines "admissions" to mean the fees paid for: (1) the right of entrance to a display, program, sporting event, music concert, performance, play, show, movie, exhibit, fair or other entertainment or amusement event or venue; and (2) the privilege of using facilities or participating in an event or activity, including but not limited to bowling centers; skating rinks; health spas; swimming pools; tennis courts; weight training facilities; fitness and recreational sports centers; and golf courses, both public and private, regardless of whether the fee paid is per use or in any other form, including but not limited to an initiation fee, monthly fee, membership fee or combination thereof.

House Bill 354 exempts fundraising event sales held by nonprofit civic and governmental organizations from payment of state sales and use tax on gross receipts.

"Fundraising event sales" do not include sales related to the operation of a retail business, including but not limited to thrift stores, bookstores, surplus property auctions, recycle and reuse stores, or any ongoing operation in competition with for-profit retailers.

An emergency is declared to exist in relation to the provisions of House Bill 354 that exempt gross receipts derived from the sale of admissions and fundraising event sales by nonprofit civic and governmental organizations from payment of state sales and use tax. The provisions became law on March 26, 2019, when House Bill 354 was signed by the Governor.

House Bill 154 STANDARDS FOR OPERATION OF GOLF CARTS

Sponsor: Representative Sal Santoro (R-Florence)

House Bill 154 amends KRS 189.286 to require golf carts operating on public roadways under the jurisdiction of a local government pursuant to an ordinance authorizing the operation of golf carts on designated roadways within the jurisdiction to be equipped with the following: (1) headlamps; (2) tail lamps; (3) stop lamps; (4) front and rear turn signals; (5) one red reflex reflector on each side as far to the rear as practicable, and one red reflex reflector on the rear; (6) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; (7) a parking brake; (8) a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. §571.209 for each designated seating position; and (9) a horn that meets the requirements of KRS 189.080, which requires every motor vehicle when in use on a highway to be equipped with a horn or other device capable of making an abrupt sound sufficiently loud enough to be heard from a distance of at least 200 feet under all ordinary traffic conditions.

KRS 189.286 currently requires golf carts operating on public roadways to meet the equipment standards for low-speed vehicles specified in 49 C.F.R. §571.500, which, in addition to the above specified equipment, also requires a windshield and a vehicle identification number (VIN).

House Bill 258 STANDARDS FOR OPERATION OF SCOOTERS

Sponsor: Representative Ken Upchurch (R-Monticello)

House Bill 258 creates new sections of KRS Chapter 189 to define and regulate the operation of motor scooters and electric low-speed scooters on public roadways.

Electric Low-Speed Scooters:

A new section of KRS Chapter 189 is created to permit a person 16 years of age or older to operate an electric low-speed scooter on a highway, bicycle lane or bicycle path subject to all traffic regulations. No certificate of title, certificate of registration, license plate, driver's license or insurance is required.

"Electric low-speed scooter" is defined as a device that: (1) weighs less than 100 pounds; (2) is equipped with wheels, handlebars and a brake adequate enough to stop and park the device; (3) is designed to be stood or sat upon; (4) is propelled by an electric motor, human power or both; and (5) is designed to operate at a maximum speed of 20 miles per hour on a paved level surface with or without human propulsion.

Conditions:

1. If operated after sunset, an electric low-speed scooter must be equipped with at least one headlamp and one rear red light which must be illuminated from one-half hour after sunset to one-half hour before sunrise, as well as at other times of low visibility due to weather conditions.

2. An operator of an electric low-speed scooter and any company or entity that provides electric low-speed scooters for rental must comply with all local government ordinances regulating the operation of electric low-speed vehicles.

3. An electric low-speed scooter parked on a sidewalk must be parked in a manner that does not impede the reasonable movement of pedestrians or other traffic.

4. Motorists overtaking an electric low-speed scooter proceeding in the same direction must comply with the same procedures required for overtaking a bicycle as set forth in KRS 189.340.

5. The Transportation Cabinet is required to promulgate administrative regulations to establish safe operating standards for electric low-speed scooters, which shall not include equipment or helmet requirements.

Motor Scooters:

House Bill 258 amends KRS 186.010 and creates a new section of KRS Chapter 189 to define and regulate motor scooters. "Motor scooter" means a low-speed motorcycle designed to operate at a speed not to exceed 50 miles per hour equipped with: (1) wheels greater than 16 inches in diameter; (2) an engine greater than 50 cubic centimeters; (3) brake horsepower of two or greater; and (4) a step-through frame or a platform for the

operator's feet. In contrast, a motorcycle is defined by KRS 186.010 as a motor-driven vehicle with a maximum speed that exceeds 50 miles per hour.

A person may operate a motor scooter on a highway subject to all traffic regulations applicable to motorcycles if the operator has a valid motorcycle operator's license or motorcycle instructional permit in his or her possession. A motor scooter operating on a highway is considered to be a motorcycle and must be titled in accordance with KRS Chapter 186A; registered as a motorcycle in accordance with KRS 186.050(2); insured in compliance with KRS 304.39-110 by the owner or operator; and meet the same equipment standards as those for motorcycles in KRS Chapter 189.

House Bill 352 PETROLEUM PRODUCTS HAUL ROAD SYSTEM

Sponsor: Representative David Meade (R-Stanford)

House Bill 352 creates new sections of KRS Chapter 177 relating to state and federal highways to establish an "extended weight unrefined petroleum products haul road system" on state-maintained highways patterned after the coal haul system established in KRS 177.9771 with the same weight limits in excess of 100,000 pounds (50,000 tons). Travel on interstate highways is prohibited. The provisions of House Bill 352 shall be in effect until June 30, 2028.

"Extended weight unrefined petroleum products haul road system" is defined to mean all state-maintained highways over which quantities of unrefined petroleum products in excess of 50,000 tons were transported by motor vehicles during the period from January 1, 2022, through December 31, 2022, and annually thereafter.

Beginning January 1, 2022, every person, producer or processor shipping or transporting unrefined petroleum products over any state-maintained highway or bridge must file with the Transportation Cabinet information for the purpose of identifying those state-maintained highways comprising the extended weight unrefined petroleum products haul road system and the quantities of unrefined petroleum products transported thereon, in order that the Cabinet can accurately calculate total ton-miles within each county. If, during calendar year 2022, a quantity of unrefined petroleum products that meets the ton-mile threshold is transported on any state-maintained highway, the secretary of the Transportation Cabinet shall, within 30 days by official order, certify those highways or portions thereof as part of the extended weight unrefined petroleum products haul road system.

A representative of the Transportation Cabinet shall transmit a report of roads to

be included in the extended weight unrefined petroleum products haul road system to the fiscal court of each county in which a road or road segment is eligible for inclusion in the system. The secretary shall take into consideration any concerns expressed by a fiscal court before adding a road to the extended weight unrefined petroleum products haul road system.

Any vehicle registered with the Transportation Cabinet with a declared gross weight of 80,000 pounds may be operated at weights in excess of the maximum gross weight limits prescribed in KRS 189.221 and 189.222, and any maximum weight limits on state- or county-maintained systems, when transporting unrefined petroleum products over state-maintained highways that are part of the extended weight unrefined petroleum products haul road system if it complies with approved axle-weight configurations and pays an annual overweight permit fee of $2,000, in addition to all other required registration, user and permit fees.

Trucks configured using an axle system approved by the Transportation Cabinet may operate up to a maximum gross weight of 120,000 pounds with a gross weight tolerance of 5 percent. Any driver operating under an overweight permit must be approved by the Department of Kentucky State Police to operate a vehicle on the unrefined petroleum products haul road system. Overweight permits may be extended annually until June 30, 2033.

The Transportation Cabinet annually shall publish a directory designating the extended weight unrefined petroleum products haul road system, which shall include all state-maintained highways and bridges, along with supporting maps, over which quantities of unrefined petroleum products in excess of 50,000 tons have been transported in the immediately preceding year. The Cabinet shall further publish the total county mileage of the extended weight unrefined petroleum products haul road system for the preceding year. Publication may be by electronic means.

Additionally, the Transportation Cabinet annually shall inspect all of the routes in the extended weight unrefined petroleum products haul road system to determine the extent of degradation of any segments of roads or bridges.

Any person who operates a vehicle with a permit issued pursuant to House Bill 352 in excess of 80,000 pounds while operating on a route not designated as part of the extended weight unrefined petroleum products haul road system shall be fined $1,000.

Repeal effective June 30, 2028.

NOTES

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