

Legislative Report #7

April 6, 2022

Senate Bills

SB27

M. Nemes

AN ACT relating to employment of part-time adjunct instructors for the Kentucky Fire Commission

Mar 30, 2022 - signed by Governor (Acts Ch. 56)

SB64

M. Wilson, M. Nemes

AN ACT relating to peer counseling for public safety employees.

Mar 17, 2022 - signed by Governor

SB101

J. Carpenter

AN ACT relating to first responders.

Mar 25, 2022 - recommitted to Appropriations & Revenue (H)

SB189

S. Meredith

AN ACT relating to fire protection.

Amend KRS 95A.520 and 95A.540 to apply existing provisions of law to departments that merge prior to the effective date of the Act; create a new section of KRS Chapter 95A to allow departments merging after the effective date of the Act to retain all qualified shares of aid that each merging department would have received prior to merger.

Mar 30, 2022 - signed by Governor (Acts Ch. 57)

SB209

M. Nemes AN ACT relating to state police.

Amend KRS 16.198 to require the Kentucky State Police to promulgate administrative regulations to establish vacation and sick leave and holiday pay for Trooper R and commercial vehicle enforcement R Class employees.

SB209 - AMENDMENTS HCS1

Retain original provisions; require bereavement leave to be provided to Trooper R and commercial vehicle enforcement R Class employees by regulation;

amend KRS 61.702 and 78.5536 to increase the under-age-65 retiree health subsidy for career members of the Kentucky Employees Retirement System, County Employees Retirement System, and the State Police Retirement System who began participating in the system on or after July 1, 2003, who are eligible for a fixed-dollar retiree health subsidy not tied to the premium; define "career threshold" and "funding level"; provide that the fixed dollar retiree health subsidy shall be increased by five dollars for each year these members work beyond the career threshold provided the funding level of the retiree health fund providing the additional benefit is 90 percent or greater; allow these members to use those fixed dollar amounts towards other health coverage through a premium reimbursement program for plan years occurring on or after January 1, 2023.

Mar 30, 2022 - posted for passage for concurrence in House Committee Substitute (1) ; Senate concurred in House Committee Substitute (1) ; passed 29-7 ; enrolled, signed by President of the Senate ; enrolled, signed by Speaker of the House; delivered to Governor

House Bills

HB49

HB49 (BR40)/AA/LM - J. Miller, B. Reed, K. Banta, M. Cantrell, M. Hart, C. Massey, P. Pratt, M. Prunty, S. Sheldon, S. Westrom, B. Wheatley

AN ACT relating to changes in pension payments due to overtime worked during a local emergency and declaring an emergency.

Mar 25, 2022 - 3rd reading, passed 34-0

Mar 29, 2022 - received in House ; enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB56

T. Huff, S. Baker, K. Banta, L. Bechler, J. Blanton, T. Bojanowski, A. Bowling, K. Bratcher, J. Decker, J. Donohue, R. Dotson, D. Elliott, C. Fugate, A. Gentry, D. Graham, M. Hart, A. Hatton, R. Heath, R. Huff, M. Lockett, C. Massey, S. McPherson, R. Palumbo, P. Pratt, S. Santoro, T. Smith, A. Tackett Laferty, N. Tate, W. Thomas, R. Webber, B. Wesley, S. Westrom, B. Wheatley, R. White

AN ACT relating to death benefits for first responders, making an appropriation therefor, and declaring an emergency.

Feb 14, 2022 - to Appropriations & Revenue (S)

HB69

J. Blanton, K. Banta, A. Bowling, C. Freeland, C. Fugate, A. Gentry, J. Gooch Jr., D. Hale, M. Hart, T. Huff, B. McCool, P. Pratt, B. Reed, R. Roberts, P. Stevenson, K. Timoney, J. Tipton, B. Wesley, B. Wheatley, L. Willner

AN ACT relating to occupational exposure to COVID-19 and declaring an emergency.

Feb 14, 2022 - to Economic Development, Tourism, & Labor (S)

HB76

J. Miller, C. Massey

AN ACT relating to actuarial investigations.

Amend KRS 21.440, 61.670, 78.784, and 161.400 to require the Legislators' Retirement Plan, the Judicial Retirement Plan, the Kentucky Retirement Systems, the County Employees Retirement System, and the Teachers' Retirement System to perform an actuarial investigation of economic assumptions once every two years rather than once every five years while retaining a review of demographic assumptions once every five years; amend KRS 78.784 to require the County Employees Retirement System to provide a projection/analysis over a 30-year period rather than a 20-year period regarding projections in the annual actuarial valuation and as it relates to experience studies, assumption changes, and other changes made by the boards of each system; require the first actuarial investigation of economic assumptions to occur prior to 2023 actuarial valuations.

HB76 - AMENDMENTS

SCS1/AA

Retain original provisions; amend KRS 61.552 to provide that restrictions on the use of purchased service towards retirement eligibility and benefit determination that became effective August 1, 2004, shall not apply to those members who were bound by an educational contract as conditional employees of the state of Kentucky prior to December 31, 2003; amend KRS 61.510 to amend "membership date" to specify that members who were bound by an

educational contract as conditional employees of the state of Kentucky prior to December 31, 2003, shall have a membership date based upon the earliest date in the contract.

SCA1(C. McDaniel) - Make title amendment.

Mar 30, 2022 - House concurred in Senate Committee Substitute (1) and committee amendment (1-title); passed 92-1; enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB227

M. Hart, C. Massey, R. Huff, S. Santoro, S. Westrom
AN ACT relating to First Responder, Doctor, Nurse, and Health Care Professional Recognition Day.

Jan 06, 2022 - introduced in House; to Committee on Committees (H)

Feb 23, 2022 - to Health & Family Services (H)

Feb 24, 2022 - reported favorably, 1st reading, to Calendar

Feb 25, 2022 - 2nd reading, to Rules ; posted for passage in the Regular Orders of the Day for Monday, February 28, 2022

Mar 01, 2022 - 3rd reading, passed 98-0

Mar 02, 2022 - received in Senate ; to Committee on Committees (S)

Mar 09, 2022 - to State & Local Government (S)

Mar 29, 2022 - reported favorably, 1st reading, to Consent Calendar

Mar 30, 2022 - 2nd reading, to Rules as a consent bill

HB297

J. Miller

AN ACT relating to the Kentucky Public Pensions Authority.

Amend KRS 16.582 to clarify that standards for "total and permanent disability" relate to hazardous disability only and make technical changes; amend KRS 61.505 to expand the administrative actions that the Kentucky Public Pensions Authority (KPPA) may take on behalf of the Kentucky Retirement Systems (KRS) and the County Employees Retirement System (CERS), authorize the KPPA to employ no more than 8 unclassified employees to the Office of Investments whose positions are exempt from the personnel system's classified service and related salary limitations, and make technical changes; amend KRS 61.510 to define "instructional staff" for state colleges and universities and define "objective medical evidence" to exclude the testimonial evidence of a person applying for disability benefits; amend KRS 61.520 to reference definition of "instructional staff"; amend KRS 61.565 to add an effective date of July 1, 2022, for shifting to the executive branch the employer's share of the Kentucky Employees Retirement System nonhazardous plan's unfunded liability for contract employees at mental health facilities; amend KRS 61.590, 61.610, 61.615, and 61.665 to allow KPPA the

option to send notices and other forms to members on disability retirement using electronic mail or other electronic means; amend KRS 61.610 to allow KPPA to hire or contract for the services of more than one disability fraud investigator; amend KRS 61.615 to allow members in hybrid cash balance plan who are discontinued from disability to apply for reinstatement; amend KRS 61.635 to make technical change; amend KRS 61.637 to specify the circumstances under which an elected official who is reelected but takes office after retirement is deemed as having a prearranged agreement that would void his or her retirement; amend KRS 61.645 to exempt invalid addresses from ballot distribution for trustee elections, specify single certified public accountant to audit KRS and CERS financial reports, and make technical changes; amend KRS 61.661 to make technical changes; amend KRS 61.665 to permit the KPPA to contract for the services of medical examiners, eliminate the requirement that a person applying for disability retirement produce evidence of a request for reasonable accommodation, delete language permitting KRS to order a disabled employee to enroll in vocational rehabilitation, and conform to legislative changes made in 2021; amend KRS 61.702 and 78.5536 to require KRS and CERS to provide health insurance coverage for reemployed retirees over the age of 65 who are not Medicareeligible due to the federal Medicare Secondary Payer Act and who are employed by either a participating agency that offers the Kentucky Employees Health Plan (KEHP) or a participating agency that is statutorily prevented from offering the KEHP; amend KRS 61.703 to make technical change; amend KRS 78.510 to define "objective medical evidence" to exclude the testimonial evidence of a person applying for disability benefits and make the definitions of "act in line of duty" and "dependent child" conform with other provisions as the result of legislative changes made in 2021; amend KRS 78.5524 to clarify that standards for "total and permanent disability" relate to hazardous disability only and to conform to other provisions as the result of legislative changes made in 2021; amend KRS 78.5526 and 78.5530 to conform with other provisions as the result of legislative changes made in 2021; amend KRS 78.5540 to specify the circumstances under which an elected official who is reelected but takes office after retirement is deemed as having a prearranged agreement that would void his or her retirement; and amend KRS 78.782 to exempt invalid addresses from ballot distribution for trustee elections, specify single certified public accountant to audit KRS and CERS financial reports, and make technical changes; and make technical changes and conforming amendments as a result of legislative changes made in 2021.

HB297 – AMENDMENTS

HCS1/AA - Retain original provisions, and amend KRS 61.505 to require the Kentucky Public Pensions Authority (KPPA) to conduct an annual performance evaluation of the executive director, pre-approve future unclassified positions, and approve an annual personnel report before submission to the Public Pension Oversight Board; authorize the KPPA to appoint no more than six unclassified employees of the Office of Investments whose positions shall be exempt from the personnel system's classified service and related salary limitations, but subject to a written salary and classification plan fixing a range of compensation and written terms of employment adopted by the KPPA; and require the KPPA to approve the biennial budget unit request before submission by the Authority; amend KRS 61.510, 61.520, 61.702, and 78.510 to make technical changes; EMERGENCY. HCA1(J. Miller) - Make title amendment.

HFA3(R. Webber) - Retain original provisions; amend KRS 61.505 to provide that payment of the initial setup costs and annual costs attributable to establishing a separate CERS board and the KPPA shall sunset on June 30, 2024, and beginning on and after July 1, 2024, any annual administrative and investment costs shall be allocated to each retirement system as determined by the KPPA without attribution to the establishment of a separate CERS board and the KPPA.

HFA4(J. Miller) - Amend KRS 61.510 and 78.510 to refine the definition of "objective medical evidence" to exclude the testimonial statements of the person applying for disability retirement; amend KRS 61.510 to make technical correction; amend KRS 61.702 and 78.5536 to permit the Personnel Cabinet to rate those retirees over 65 impacted by the Medicare Secondary Payer Act who are added to the Kentucky Employees Health Plan (KEHP) separately from other employees and retirees in the KEHP for the purpose of determining medical insurance premiums; and amend KRS 18A.225 to make conforming changes.

HFA5(J. Tipton) - Retain original provisions; amend KRS 61.510 and 78.510 to amend the definition of a "regular full-time position" to add that exempted emergency positions shall also include a position utilized by the employer during a federal or state emergency declared by the President or Governor to address needs during and as a result of the emergency; make amended definition RETROACTIVE to March 1, 2020 and provide that individuals employed by health departments in emergency positions due to the COVID-19 pandemic shall be exempt through December 31, 2022; RETROACTIVE.

SFA4(C. McDaniel) - Retain original provisions; amend KRS 61.510 and 78.510 to provide that nominal fees paid to volunteers shall not be aggregated among multiple participating employers; amend KRS 61.675 and 78.625 to provide that employers shall not be required to report data on volunteers to the retirement systems provided the volunteers earn equal to or less than a "nominal fee" as defined by KRS 61.510 or 78.510 and only if the nominal fees are exempt from being considered creditable compensation for retirement purposes; amend KRS 61.680 to conform.

Mar 30, 2022 - enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB372

M. Hart, B. Reed

AN ACT relating to fire department reporting.

Amend KRS 95A.055 to amend definitions; establish that only fire districts, as defined, provide administrative and budgetary and fiscal information; and establish that both fire districts and nonprofit fire departments are subjected to yearly financial review, rather than a review every 4 years.

Mar 30, 2022 - 3rd reading, passed 36-0 ; received in House ; enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB414

J. Blanton

AN ACT relating to public safety personnel.

Amend KRS 90.330 to remove the requirement that a candidate for employment shall not have passed his or her 46th birthday; amend KRS 95.010 to amend the definition of "member" as used in KRS 95.440 to 95.629; amend KRS 95.022 to provide that the number of police officers a city may hire is based on the total number of officers employed by the city in the immediately preceding year; amend KRS 95.450 to provide that any person may file a complaint and a mayor, city manager, or legislative body may prefer charges; to provide that a hearing shall occur within 10 days after charges were filed; to provide that an accused member shall be served with a copy of the charges at least 5 days before a hearing; to provide that an accused member may waive service and demand a hearing within 10 days after charges were filed; amend KRS 95.460 to provide that review by a Circuit Court shall be based solely on the record created before the legislative body and any new evidence regarding arbitrariness of the legislative body; amend KRS 95.495 to provide an exception to the work day limitations for police departments; amend KRS 95.762 to remove the age requirements for a candidate for employment as a police officer; amend KRS 95.765 to provide that any person may file a complaint and a mayor, city manager, or legislative body may prefer charges; to provide that a hearing shall occur within 10 days after charges were filed; to provide that an accused member shall be served with a copy of the charges at least 5 days before a hearing; to provide that an accused member may waive service and demand a hearing within 10 days after charges were filed; amend KRS 337.285 to provide an exception to the work day limitations for police departments with officers who are represented by collective bargaining units.

Mar 30, 2022 - 3rd reading, passed 36-0 ; received in House ; enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB562 (BR2181)/LM - A. Tackett Laferty, M. Hart, N. Kirk-McCormick AN ACT relating to first responders.

Amend KRS 15.518 to define "critical incident," allow a peace officer to take 48 hours leave after being involved in a critical incident, allow leave to be paid or unpaid, declare this section does not supersede any existing policies that grant greater benefits; amend KRS 95A.292 to define "critical incident," allow a firefighter to take 48 hours leave after being involved in a critical incident, allow leave to be paid or unpaid, declare this section does not supersede any existing policies that grant greater benefits; amend KRS 337.100 to conform.

March 30, 2022 Mar 30, 2022 - 3rd reading, passed 36-0 ; received in House ; enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor

HB777

(BR303)/AA - K. Fleming, K. Moser, M. Hart, W. Lawrence

AN ACT relating to emergency medical services.

Amend KRS 311A.015 to create the Kentucky Board of Emergency Medical Services as an independent agency of state government; change membership of the board; amend KRS

311A.020 to change complaint investigations of ambulance services; delete language relating to transfer of the board to the Kentucky Community and Technical College System; amend KRS 311A.025 to permit hospitals exempt from certificate of need to provide transport services; amend KRS 311A.030 require distinguishing between emergency-only transportation and scheduled ambulance transportation; amend KRS 311.035 to require the board to carry out functions; amend KRS 311A.055 to make technical corrections and add complaint action language; amend KRS 311A.190 to require the board to publish a report; add compliance with HIPAA; require the board to give the Cabinet for Health and Family Services access to all data; create a new section of KRS Chapter 216B to require the Cabinet for Health and Family services to investigate and hold hearings on ambulance complaints; amend KRS 216B.020 to add conditions for ambulance services to be exempt from certificate of need; amend KRS 216B.095 to conform; amend KRS 189.910 to add vehicles operated by organ procurement organizations to the definition of emergency vehicles; amend KRS 189.940 to add vehicles operated by organ procurement organizations; amend KRS 324B.030 to add the Kentucky Board of Emergency Medical Services to the Department of Professional Licensing; create a new section of KRS Chapter 311A to require the transfer of all board employees, funds, and equipment of the board from the Kentucky Community and Technical College System; make provisions for employee retirement transfer; amend KRS 61.510 to conform; amend KRS 205.590 to establish a new technical advisory committee on emergency medical services; establish membership; add noncodified sections to set board appointments and term limits; set effective date of transfer of the board of September 1, 2022; require the board to establish a special committee to study the board's problems and make recommendations by December 1, 2022; permit the board and the cabinet to promulgate emergency regulations to implement changes; create a legislative task force to study the provision of emergency medical services in Kentucky; require findings and recommendations by December 1, 2022.

HB777 - AMENDMENTS HCS1 - Retains original provision of the bill; remove repealer; remove trauma system oversight from the board; make technical corrections.

Mar 01, 2022 - introduced in House; to Committee on Committees (H)

Mar 02, 2022 - to Health & Family Services (H)

Mar 03, 2022 - reported favorably, 1st reading, to Calendar with Committee Substitute (1)

Mar 04, 2022 - 2nd reading, to Rules ; posted for passage in the Regular Orders of the Day for Monday, March 07, 2022

Mar 07, 2022 - 3rd reading, passed 77-15 with Committee Substitute (1) ; received in Senate ; to Committee on Committees (S)

Mar 14, 2022 - to Health & Welfare (S)

Mar 17, 2022 - taken from Health & Welfare (S); 1st reading ; returned to Health & Welfare (S)

Mar 23, 2022 - reported favorably, 2nd reading, to Rules with Committee Substitute (1) as a consent bill

Mar 25, 2022 - posted for passage in the Consent Orders of the Day for Tuesday, March 29, 2022

Mar 30, 2022 - enrolled, signed by Speaker of the House ; enrolled, signed by President of the Senate ; delivered to Governor