

Legislative Report #1

February 4,2022

Senate Bills

SB27

M. Nemes

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

Jan 04, 2022 - introduced in Senate; to Committee on Committees (S)

Jan 06, 2022 - to State & Local Government (S)

Jan 19, 2022 - reported favorably, 1st reading, to Calendar Jan 20, 2022 - 2nd reading, to Rules ; posted for passage in the Regular Orders of the Day for Monday, January 24, 2022

Jan 24, 2022 - 3rd reading, passed 35-0

Jan 25, 2022 - received in House ; to Committee on Committees (H)

SB64

M. Wilson, M. Nemes

AN ACT relating to peer counseling for public safety employees.

Create a new section of KRS Chapter 65 to provide definitions, authorize any public agency to establish a peer support counseling program, and provide for confidentiality of communications within a peer support counseling program.

SB64 - AMENDMENTS SFA1

(M. Wilson)

Amend Section 1 of the bill to provide peer support participants the same protections in disciplinary proceeding or civil or criminal proceedings, with exceptions, as any counselor-client privilege under the Kentucky Rules of Evidence for criminal or civil proceeding; create a new non-codified section establishing the Task Force for Public Safety Peer Support Best Practices and attaching it to the Department for Behavioral Health, Developmental and Intellectual Disabilities for administrative purposes.

Jan 08, 2022 - introduced in Senate; to Committee on Committees (S)

Jan 18, 2022 - to State & Local Government (S)

Jan 26, 2022 - reported favorably, 1st reading, to Calendar Jan 27, 2022 - 2nd reading, to Rules ; posted for passage in the Regular Orders of the Day for Tuesday, February 01, 2022

Jan 31, 2022 - floor amendment (1) filed

Feb 01, 2022 - 3rd reading, passed 35-0 with Floor Amendment (1)

Feb 02, 2022 - received in House ; to Committee on Committees (H)

SB101

J. Carpenter

AN ACT relating to first responders.

Create a new section of KRS Chapter 518 to create the misdemeanor of unauthorized capture of photographic or videographic images by a first responder.

Jan 20, 2022 - introduced in Senate; to Committee on Committees (S)

Jan 24, 2022 - to Judiciary (S)

Feb 03, 2022 - reported favorably, 1st reading, to Calendar

House Bills

HB49

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.

Amend KRS 61.598 to exempt from the anti-pension spiking provisions any overtime directly attributable to a local government emergency in which the Governor calls in the Kentucky National Guard; make amendments retroactive to May 30, 2020; EMERGENCY.

Aug 11, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

Jan 26, 2022 - to State Government (H)

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.

Amend KRS 61.315 to create a presumption that first responders who die of COVID-19 do so while in the line of duty and thus qualify for death benefits; apply subsection retroactively; APPROPRIATION; EMERGENCY.

Aug 30, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

Jan 12, 2022 - to State Government (H)

Jan 13, 2022 - reported favorably, 1st reading, to Calendar

Jan 18, 2022 - 2nd reading, to Rules

Jan 28, 2022 - posted for passage in the Regular Orders of the Day for Monday, January 31, 2022

Feb 03, 2022 - 3rd reading, passed 63-0 ; received in Senate ; to Committee on Committees (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.

Extend the provisions of paragraph 3 of 2020 Executive Order 2020-277, related to temporary disability from occupational exposure to COVID-19 from September 7, 2021, to January 31, 2023; EMERGENCY.

Sep 22, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

Jan 13, 2022 - taken from Committee on Committees (H); 1st reading ; returned to Committee on Committees (H); to State Government (H)

Jan 20, 2022 - reported favorably, 2nd reading, to Rules

Jan 28, 2022 - posted for passage in the Regular Orders of the Day for Monday, January 31, 2022

Feb 03, 2022 - 3rd reading, passed 60-3 ; received in Senate ; to Committee on Committees (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.

Oct 20, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

Jan 12, 2022 - to State Government (H)

Jan 13, 2022 - reported favorably, 1st reading, to Calendar

Jan 18, 2022 - 2nd reading, to Rules ; posted for passage in the Regular Orders of the Day for Wednesday, January 19, 2022

Jan 19, 2022 - 3rd reading, passed 97-0 ; received in Senate ; to Committee on Committees (S)

Jan 21, 2022 - to State & Local Government (S)

HB135

B. Wheatley, K. Banta, T. Bojanowski, T. Burch, M. Cantrell, J. Donohue, M. Hart, C. Miller, P. Pratt, R. Roberts, S. Santoro, C. Stevenson, K. Timoney, S. Westrom

AN ACT relating to retirement benefits for state and county employees in hazardous positions.

Create a new section of KRS 16.505 to 16.652 to change the retirement benefits for members participating in the State Police Retirement System (SPRS) or in a hazardous position in either the Kentucky Employees Retirement System (KERS) or County Employees Retirement System (CERS) who are hired after January 1, 2014, but before January 1, 2023, so that, in lieu of continued participation in the hybrid cash balance plan (Tier 3 benefits), these members receive the benefits provided to members in a hazardous position who began participating immediately prior to January 1, 2014 (Tier 2 benefits); for members participating in a hazardous position who are subject to a change from Tier 3 to Tier 2 benefits, presume that service credit in a hazardous duty position earned after January 1, 2014, is service credit earned immediately prior to January 1, 2014, and require that accumulated contributions remain in the member's account, although any employer credit will be transferred to the retirement allowance account; allow a member participating in a hazardous position subject to a change from Tier 3 to Tier 2 benefits to make a one-time election to opt out of the change of benefits, to be made for an actively employed member, no later than January 31, 2023, or for a member returning to a qualified position, within 30 days of returning to employment; establish exclusions; amend KRS 16.576, 16.577, and 78.5514 to allow a new member who begins participating in SPRS or in a hazardous position in KERS or CERS on or after January 1, 2023, or a member who is eligible under Section 1 of the Act, to calculate retirement allowance using the same benefit factors and service credit as those members in a hazardous position who began participating immediately prior to January 1, 2014 (Tier 2 members); amend KRS 16.583 and 78.5516 to limit the hybrid cash balance plan (Tier 3 benefits) only to members participating in SPRS or in hazardous positions in KERS or CERS who make an election to opt out of Tier 2 benefits under Section 1 of the Act or who make an election, prior to the effective date of the Act, under KRS 61.5955; amend KRS 61.5955 to provide that only a member in a nonhazardous position who began participating in KERS or CERS as a Tier 2 member may elect to receive Tier 3 benefits in the hybrid cash balance plan in lieu of Tier 2 benefits; amend KRS 16.505, 61.510, and 78.510 to amend definitions of various terms to conform and make technical changes; amend KRS 16.560, 61.575, and 78.640 to allow interest credited on the accounts of members participating in SPRS or in a hazardous position in KERS or CERS to be adjusted to conform; amend KRS 16.578 to allow a beneficiary of a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to receive the same death benefits as a Tier 2 member; amend KRS 16.582 and 78.5524 to allow a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act to receive the same disability benefits as a Tier 2 member; amend KRS 61.546 and 78.616 to allow a member participating in SPRS or in a hazardous position in KERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to receive the same service credit for unused sick leave as a Tier 2 member; amend KRS 61.552 to allow a member

participating in SPRS or in a hazardous position in KERS or CERS, who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, who is also vested, to purchase service credit; amend KRS 61.597 and 78.5512 to permit early retirement from both the Tier 2 and Tier 3 plans for a member eligible for Tier 2 hazardous benefits under Section 1 of the Act, who also has nonhazardous service credit as a Tier 3 member of either KERS or CERS; amend KRS 61.615 and 78.5528 to allow, if a disability retirement allowance is reduced or discontinued, for a member participating in SPRS or in a hazardous position in KERS or CERS who begins participating on or after January 1, 2023, or who is eligible under Section 1 of the Act, to apply for early retirement benefits as provided for and subject to the same limitations as Tier 2 members; amend KRS 61.680 to require that a member who is eligible under Section 1 of the Act and who has nonhazardous service credit as a Tier 3 member of either KERS or CERS to have his or her nonhazardous and hazardous service consolidated to determine eligibility and benefits; amend KRS 78.545 to add Section 1 of this Act as one of the provisions that shall be administered for the CERS in the same manner as for the KERS.

Dec 09, 2021 – Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

HB151

M. Prunty, B. McCool

AN ACT relating to emergency services.

Amend KRS 205.590 to establish a new technical advisory committee on emergency medical services consisting of members representing the air medical industry, the Kentucky Board of Emergency Services, emergency medical services billing industry, and ground ambulance providers.

Dec 10, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

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

HB163

A Tackett Laferty, J. Nemes, C. Stevenson

AN ACT relating to the taxation of retirement distributions. Amend KRS 141.019, relating to the individual income tax, to increase the retirement distribution exclusion from \$31,110 to \$41,110 for taxable years beginning on or after January 1, 2022.

Dec 10, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

HB164

B. McCool, A. Tackett Laferty, P. Flannery, M. Hart, N. KirkMcCormick, M. Lockett, A. Scott, W. Thomas, S. Westrom

AN ACT relating to a tax credit for volunteer firefighters.

Create a new section of KRS Chapter 141 to establish a refundable income tax credit for certain volunteer firefighters; declare the purpose of the credit; require annual reporting to the Legislative Research Commission to evaluate the impact of the credit; amend KRS 141.0205 to provide the ordering of the credit; amend KRS 131.190 to allow confidential tax return information to be shared with the Legislative Research Commission.

Dec 10, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

HB169

K. Bratcher, K. Banta, M. Hart, P. Pratt, B. Wheatley

AN ACT relating to retiree health benefits for hazardous duty members.

Amend KRS 61.702 and 78.5536 to increase the hazardous duty under age 65 retiree health subsidy to \$40 per month for each year of hazardous duty service for those career hazardous 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 fixeddollar retiree health subsidy not tied to the premium; define "career hazardous employee"; provide that the change shall apply to hazardous service earned prior to the effective date of this Act by eligible members, including retirees and shall continue to be adjusted annually by the 1.5% increase currently provided by statute; specify that changes to subsidies payable to impacted retirees shall begin on or after January 1, 2023, to coincide with the next health plan year; RETROACTIVE.

Dec 10, 2021 - Prefiled by the sponsor(s).

Jan 04, 2022 - introduced in House; to Committee on Committees (H)

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.

Create a new section of KRS Chapter 2 to designate the first Saturday of October of each year as "First Responder, Doctor, Nurse, and Health Care Professional Recognition Day"; require the Governor to proclaim the date each year and require state flags to be lowered to half-mast on state public buildings from sunrise to sunset on that day.

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

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.

Jan 13, 2022 - introduced in House; to Committee on Committees (H)

Jan 26, 2022 - to State Government (H)

HB348

A Hatton, D. Graham

AN ACT relating to a cost-of-living increase to the retirement benefits for Kentucky State Police troopers, making an appropriation therefor, and declaring an emergency.

Appropriate \$12 million in fiscal year 2022-2023 to the Kentucky Public Pensions Authority to be applied to the State Police Retirement Fund to prefund in fiscal year 2022-2023 and effective July 1, 2022, a 1.5 percent increase in the monthly retirement allowances paid from the State Police Retirement System to each recipient; APPROPRIATION; EMERGENCY.

Jan 24, 2022 - introduced in House; to Committee on Committees (H)

HB356

J. Jenkins, L. Willner

AN ACT relating to workers' compensation for first responders.

Amend KRS 342.0011 to clarify definition of "injury" to include psychological injuries for certain employees; create a new section of KRS Chapter 342 to set out when the psychological injuries are valid workers' compensation claims when no physical injury exists.

Jan 25, 2022 - introduced in House; to Committee on Committees (H)

HB372

M. Hart

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.

Jan 26, 2022 - introduced in House; to Committee on Committees (H)

Feb 01, 2022 - to Local Government (H)

HB396

S. Sheldon, C. Massey

AN ACT relating to public safety.

Amend KRS 500.080 to define "riot"; amend KRS 508.010, relating to assault in the first degree, to create a mandatory fine of \$15,000 when the offense is committed during the course of a riot; amend KRS 508.025, relating to assault in the third degree, to create a mandatory fine of \$5,000 and a minimum sentence of 30 days' incarceration, which is not subject to any form of early release; amend KRS 508.030 to provide that knowingly shining or aiming a laser towards the head of another person results in a Class A misdemeanor; amend KRS 511.060, 511.070, and 511.080 to make criminal trespass enhance one classification level when done to harass a person who is a law enforcement officer, active duty member of the military, judge, or elected or appointed government official; create a new section of KRS Chapter 512 to require the court to order full restitution in any conviction under KRS 512.020, 512.030, or 512.040; amend KRS 512.020 to create a mandatory fine of \$5,000 when a person is convicted of criminal mischief in the first degree during the course of a riot; create a new section of KRS Chapter 525 to require the court to order full restitution in any conviction under KRS 525.020, 525.030, or 525.040; amend KRS 525.020, relating to riot in the first degree, to create a minimum sentence of 45

days' incarceration, which is not subject to any form of early release; amend KRS 525.030, relating to riot in the second degree, to create a minimum sentence of 30 days' incarceration, which is not subject to any form of early release; amend KRS 525.140 to make obstructing a highway a Class D felony when the obstruction blocks an emergency vehicle, emergency responder, or emergency exit; amend KRS 525.150 to make disrupting meetings and processions a Class A misdemeanor in all cases; create a new section of KRS Chapter 431 to require 12-hour hold for any person charged with certain offenses and allow exceptions; amend KRS 431.073 to exclude various Class D felonies from being expungeable; amend KRS 533.254 to require the court to order restitution in cases where a person is put on probation or given pretrial diversion; amend KRS 411.100 to require gross negligence for a cause of action for property damaged by riotous or tumultuous assemblage of people that a local government could have prevented; repeal KRS 525.145, relating to disrupting meetings and processions in the first degree; amend various sections to conform.

Jan 28, 2022 - introduced in House; to Committee on Committees (H)

HB405

M. Hart

AN ACT relating to the recognition of EMS Personnel Licensure Interstate Compact.

Create a new section of KRS Chapter 311A to create the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; declare the intent and purpose of the compact; define terms; establish conditions under which an individual can practice in a remote state; require member states to expedite the processing of applications for licensure from veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, as well as their spouses; authorize a home state to impose adverse action against an individual's license issued by the home state; authorize a member state's EMS authority to issue subpoenas for hearings and investigations as well as cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state; establish the Interstate Commission for EMS Personnel Practice; provide immunity from suit and liability for members, officers, executive director, employees and representatives of the commission who act in accordance with the provisions of the compact; require the commission to develop and maintain a coordinated database and reporting system containing licensure, disciplinary action, and significant investigatory information on all licensed individuals participating in the compact; authorize the executive, judicial, and legislative branches of state government to enforce the provisions of the compact; establish rulemaking procedures; authorize the commission to attempt to resolve disputes related to the compact that arise among member states and between member and non-member states; require provisions of the compact to become effective on the date the compact is enacted into law in the tenth compact state; establish withdrawal guidelines for a member state that wishes to withdraw from the compact; provide for severability for any provision in the compact that is contrary to the

constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance.

Jan 31, 2022 - introduced in House; to Committee on Committees (H)

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.

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

HB446

D. Graham

AN ACT relating to a cost-of-living increase to the retirement benefits for retired state employees, making an appropriation therefor, and declaring an emergency.

Appropriate \$162 million and \$12 million in fiscal year 2022-2023 to fund a one-time one and one-half percent costof-living adjustment effective July 1, 2022, for Kentucky Employees

Retirement System nonhazardous and hazardous duty retirees/beneficiaries, respectively;
APPROPRIATION; EMERGENCY.

Feb 02, 2022 - introduced in House; to Committee on Committees (H)