

# Legislative Update

FBCA Annual Bench and Bar CLE

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# 2024 Regular Session

- ▶ Convened January 2, 2024 and adjourned Monday, April 15, 2024.
- ▶ A total of 1,218 bills were introduced, including 380 Senate bills and 838 House bills. The highest number in more than two decades.
- ▶ A total of 540 resolutions were introduced including 348 Senate simple resolutions, 21 Senate joint resolutions, 16 Senate concurrent resolutions, 86 House simple resolutions, 42 House joint resolutions, and 27 House concurrent resolutions.
- ▶ The Governor vetoed 7 Senate bills, 1 Senate joint resolution, 19 House bills, and 1 House concurrent resolution.
- ▶ The General Assembly overrode the vetoes of 6 Senate bills, 18 House bills, and 1 House concurrent resolution.
- ▶ A total of 55 Senate bills, 7 Senate joint resolutions, 157 House bills, 3 House joint resolutions, and 1 House concurrent resolution became law.

# Senate Bill 14 - Nail Technicians

- ▶ Senate Bill 14 adds a nail technician to the Kentucky Board of Cosmetology.
- ▶ It also changes the process for violations, requiring the board to issue warning to a salon before taking punitive action.
- ▶ I was the primary sponsor of this piece of legislation.
- ▶ I worked with nail technicians from across the commonwealth to craft the bill and get it through the legislative process.
- ▶ *Signed into law by the Governor.*

# House Bill 5 - Safer Kentucky Act

- ▶ House Bill 5 seeks to curb unlawful street camping and set limits on charitable bond organizations.
- ▶ It would allow prosecutors to file a manslaughter charge against anyone who sells or distributes any substance containing fentanyl which causes a fatal overdose.
- ▶ It contains a three strike law which requires a life sentence for anyone who commits or attempts to commit three violent crimes.
- ▶ It requires violent offenders to serve 85% of their sentence.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*

# House Bill 18 - Local Housing Ordinances

- ▶ House Bill 18 prevents local governments from requiring property owners to accept tenants who use federal housing assistance.
- ▶ *The Governor vetoed this legislation, but the veto was overridden.*

# Senate Bill 191 - Performance Funding

- ▶ The General Assembly moved to a performance funding model for postsecondary education in 2016. Performance funding distributes a pool of money to public universities and KCTCS by a formula which aligns state funding to performance and student success metrics to meet the state's educational attainment goals.
- ▶ Although both KSU and Morehead have both showed gains, those gains have not been enough to receive a distribution from the Performance Fund since its inception.
- ▶ The Postsecondary Education Working Group made up of representatives from the CPE, public universities, executive and legislative branch representatives determined that increasing the small school adjustments at KSU and MoSU by amounts equal to each institution's 2023-24 hold harmless allocation with no change in student success or optional support metric data would promote equity and enhance the ability of KSU and MoSU to earn funding via improved performance.
- ▶ The change also does not cause any meaningful shifts in funds among the other universities.
- ▶ SB 191 was the vehicle for that change.
- ▶ *Signed into law by the Governor.*

# House Bill 278 - Child Protection

- ▶ House Bill 278 will increase the criminal penalties for offenders who sexually abuse, assault, or exploit children.
- ▶ The bill also seeks to prevent people convicted of sex crimes or violent felonies from working in public schools.
- ▶ Another provision in the bill requires age verification to access adult websites.
- ▶ *Signed into law by the Governor.*



# Senate Bill 20 - Juvenile Offenders

- ▶ Senate Bill 20 clears the way for juveniles to stand trial as adults if they use a firearm in the commission of certain felonies and they are at least 15 years old.
- ▶ *SB 20 became law without the Governor's signature.*

# House Bill 804 - Change of Venue

- ▶ Establishes venue as the county where the plaintiff resides for any civil action that:
  - ▶ Challenges the constitutionality of a Kentucky statute, executive order, administrative regulation, or order of any executive branch cabinet, program cabinet, or department including claims for declaratory judgment or injunctive relief; or
  - ▶ Is against any state official or state officer in his or her official capacity, including any public servant, any body, subdivision, caucus, committee, or member of the General Assembly, or the Legislative Research Commission, or any state agency.
- ▶ Requires a court to order a change of venue to a county in an adjacent judicial circuit after a party seeking a change of venue in any of the above proceedings files a petition with the court.
- ▶ Allows the court to which the action is removed to consider forum non conveniens, disqualification of judges, and other matters of its jurisdiction.

# Senate Bill 249 - Sex Offenders and Social Media

- ▶ Senate Bill 249 would require sex offenders who have been convicted of abusing a minor to use their legal name on social media platforms.
- ▶ *Signed into law by the Governor.*

# House Bill 207 - Child Sex Dolls

- ▶ House Bill 207 creates felony penalties for possessing, trafficking, importing, or promoting the use of a child sex doll.
- ▶ It also expands laws against child pornography to include computer-generated images of an identifiable minor.
- ▶ *Signed into law by the Governor.*

# Senate Bill 240- Child Care Subsidies

- ▶ Senate Bill 240 clarifies that foster parents who work remotely can receive child care subsidies.
- ▶ *Signed into law by the Governor.*

# Senate Bill 319 - Crime Victims

- ▶ Senate Bill 319 calls for the Crime Victims Compensation Board to make their application process available online, to publish the application in additional languages, and to establish a tracking process for claims.
- ▶ It also clarifies who is eligible to file claims to include the primary caregiver of the victim and removes the five-year statute of limitations to file claims.
- ▶ *Signed into law by the Governor.*

# Senate Bill 151 - Foster Care

- ▶ Senate Bill 151 allows family members who take temporary custody of a relative's child to become certified as a “child-specific foster home.”
- ▶ That will help them to access more state resources and support.
- ▶ *Signed into law by the Governor.*

# Senate Bill 143 - Non-Citizen Voting

- ▶ Senate Bill 143 proposes changes to the state constitution that would prevent anyone who is not a U.S. citizen from voting in Kentucky elections.
- ▶ *Proposed amendments do not go to the governor for signature, but still need ratification by Kentucky voters in an election before taking effect.*



# Senate Bill 128 - Youth Employment Programs

- ▶ Senate Bill 128 allows non-profit organizations to employ 12-and 13-year-olds for 18 hours or less per week for the purpose of learning life and employment skills.
- ▶ To participate, organizations would need to first receive approval from the Kentucky Department of Workplace Standards.
- ▶ *SB 128 became law without the Governor's signature.*

# House Bill 535 - Civics Education

- ▶ House Bill 535 calls on the Kentucky Board of Education to create academic standards for civic literacy in high schools.
- ▶ That includes lessons on America's founding, the U.S. Constitution, principles of government and civil liberties, among others.
- ▶ *Signed into law by the Governor.*

# Senate Bill 1 - Research Consortia

- ▶ Senate Bill 1 creates an endowment fund to support collaborative research consortia among public universities in Kentucky.
- ▶ Administered by the Council on Postsecondary Education, the program will focus on research projects that seek to improve quality of life through medicine, health, and economic development.
- ▶ *Signed into law by the Governor.*

# Senate Bill 2 - School Safety

- ▶ Senate Bill 2 seeks to enhance school safety by allowing some veterans and former police officers to serve as school “guardians.”
- ▶ It also calls on school districts to assemble trauma-informed teams to improve mental health interventions.
- ▶ *SB 2 became law without the Governor’s signature.*

# Senate Bill 111 - Speech Therapy

- ▶ Senate Bill 111 eliminates some insurance coverage limits on speech therapy for stuttering.
- ▶ Former University of Kentucky Basketball star Michael Kidd-Gilchrist advocated and testified in favor of the bill.
- ▶ *Signed into law by the Governor.*

# House Bill 142 - Student Vaping in Schools

- ▶ House Bill 142 bans all tobacco, alternative nicotine, and vapor products in Kentucky public schools.
- ▶ It also requires school districts to adopt disciplinary procedures for students who violate the bans.
- ▶ *Signed into law by the Governor.*

# House Bill 446 - School Bus Behavior

- ▶ House Bill 446 seeks to address disciplinary issues on school buses.
- ▶ Under the bill, every bus rider - and at least one of their parents or guardians - would need to sign a transportation agreement with the district.
- ▶ The agreement would outline expectations for students and parents and explain the consequences for misbehavior.
- ▶ *Signed into law by the Governor.*

# Senate Bill 11 - School Notifications

- ▶ Senate Bill 11 seeks to speed up notifications to schools when a student has been charged with a crime.
- ▶ *Signed into law by the Governor.*



# House Bill 611 - Truancy

- ▶ House Bill 611 calls for school officials to file a complaint with the county attorney when a student misses 15 days of school without an excuse.
- ▶ For students in elementary school, the parent would be held responsible.
- ▶ *HB 611 became law without the Governor's signature.*

# Senate Bill 167 - Cursive Handwriting

- ▶ Senate Bill 167 calls for elementary schools to teach cursive handwriting and ensure that students are proficient in cursive by the end of the fifth grade.
- ▶ *Signed into law by the Governor.*

# House Bill 2 - Education Funding

- ▶ House Bill 2 proposes a constitutional amendment that would allow the General Assembly to provide financial support for education outside Kentucky's system of public schools.
- ▶ *Proposed constitutional amendments do not go to the governor for a signature, but still need ratification by Kentucky voters in an election before taking effect.*

# House Concurrent Resolution 81 - School District Task Force

- ▶ House Concurrent Resolution 81 will establish the Efficient and Effective School District Governance Task Force to study the organizational structures of Jefferson County Public Schools and develop possible recommendations to ensure effectiveness.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*

# House Bill 174 - Youth Medical Records

- ▶ House Bill 174 stipulates that parents have access to their child's medical records.
- ▶ Currently, children ages 13 and older must sign a waiver for parents to have access.
- ▶ *House Bill 174 became law without the Governor's signature.*

# House Bill 11 - Vapor Nicotine Products

- ▶ House Bill 11 would align state law with FDA regulations regarding the sale of vapor tobacco products.
- ▶ Specifically, it toughens the penalties for the sale of vapor tobacco products to individuals under the age of 21.
- ▶ It only allows retailers to sell only vapor products which have been authorized by the FDA or are in the process of reviewing authorization.
- ▶ It creates a registry for retailers and penalties for retailers who violate the restrictions.
- ▶ *Signed into law by the Governor.*
- ▶ *The Kentucky Hemp Association and Kentucky Vaping Retailers Association have filed a law suit questioning the laws constitutionality.*

# Senate Bill 74 - Maternal Health

- ▶ Senate Bill 74 aims to support maternal and infant health and reduce the high mortality rate for mothers in Kentucky.
- ▶ It requires most health plans to cover pregnancy, child birth, and postpartum care along with in-home treatment for substance use disorder.
- ▶ It also requires most plans to cover labor and delivery costs and all services and supplies related to breastfeeding.
- ▶ Another provision aims to provide expectant parents with more data on health care facilities and maternal outcomes across the state.
- ▶ *Signed into law by the Governor.*

# Senate Bill 145 - Health Care Background Checks

- ▶ Senate Bill 145 will allow health care providers enrolled in the Medicaid program to conduct employee background checks through Kentucky's child and adult abuse registries.
- ▶ *Signed into law by the Governor.*



# House Bill 159 - Health Care Liability

- ▶ House Bill 159 protects health care providers from criminal liability when a medical error harms a patient.
- ▶ The bill exempts harm resulting from gross negligence or wanton, willful, malicious, or intentional misconduct.
- ▶ *Signed into law by the Governor.*

# House Bill 52 - Cancer Detection

- ▶ House Bill 52 will require health benefits plans to cover preventive cancer screenings and tests without requiring patients to pay a deductible charge for the services.
- ▶ *Signed into law by the Governor.*

# House Bill 115 - Breast Exams

- ▶ House Bill 115 will eliminate co-pays and cost-sharing requirements for high-risk individuals who need follow-up diagnostic imaging to rule out breast cancer.
- ▶ *Signed into law by the Governor.*

# House Bill 622 - Legislative Vacancies

- ▶ Under House Bill 622, vacant seats in the U.S. Senate will be filled through a special election rather than an appointment by the governor.
- ▶ The winner of the election will serve the remainder of the unexpired term.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*

# House Bill 7 - Autonomous Vehicles

- ▶ House Bill 7 creates a regulatory framework for operating autonomous vehicles in Kentucky.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*

# House Bill 179 - Loss of Income Insurance

- ▶ House Bill 179 clears the way for employers to offer their workers an option to purchase paid family leave insurance.
- ▶ Workers who buy the insurance would receive temporary wage replacement when caring for a sick family member, a new child, or other eligible needs.
- ▶ *Signed into law by the Governor.*

# House Bill 258 - Animal Abuse

- ▶ House Bill 258 seeks to strengthen state laws against torturing a dog or cat.
- ▶ That includes stiffer penalties for first-time offenders, who could face a class D felony rather than a misdemeanor charge.
- ▶ *Signed into law by the Governor.*

# Senate Bill 299 - Horse Racing Commission

- ▶ Senate Bill 299 will revamp the Kentucky Horse Racing Commission to create a fully independent agency called the Kentucky Racing and Gaming Corporation.
- ▶ In addition, the bill will dissolve the Kentucky Department of Charitable Gaming next year and place oversight of charitable gaming under the corporation.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*



# House Bill 15 - Consumer Data Protection

- ▶ House Bill 15 establishes new privacy protections for digital consumers.
- ▶ It will allow consumers to review and correct any data that companies collect on them.
- ▶ Consumers can also refuse to have their data sold and can demand that their data is deleted.
- ▶ *Signed into law by the Governor.*

# Capitol Statues - House Bill 513

- ▶ House Bill 513 requires the Historic Properties Advisory Commission to receive approval from the Kentucky General Assembly before adding or removing any statues, monuments, or art on permanent display in the Capitol Rotunda.
- ▶ *The Governor vetoed this bill, but the veto was overridden.*

# Budget

- ▶ Increases the funding formula for schools, known as SEEK, to \$4,326 per pupil in fiscal year 2025 and \$4,586 in fiscal year 2026.
- ▶ Increases funding for school safety by allocating more than \$34 million toward a school resource officer reimbursement program and \$2 million in each fiscal year to the Center for School Safety.
- ▶ Fully funds and meets actuarial requirements for each state pension plan.
- ▶ Appropriates \$7.3 million in each fiscal year for a new Student Teacher Stipend Program.

# Budget continued

- ▶ Funds 45 new staff positions in the Office of Unemployment Insurance and 100 new social worker positions.
- ▶ Provides millions for child care and foster care-related programs, including \$19 million over the next biennium toward kinship care reimbursement.
- ▶ Allocates an increase of \$548.1 million toward Medicaid benefits.

# Budget continued

- ▶ Increases funding by \$20 million in fiscal year 2026 to support medical and mental health care at all juvenile justice facilities.
- ▶ Includes \$7.8 million toward alternative detention programming for juvenile offenders.
- ▶ Allocates millions toward clean water and broadband initiatives.
- ▶ Gives state employees a 3% raise in each fiscal year.

# Budget continued

- ▶ KERS and SPRS receive additional funds to help pay down unfunded pension liabilities.
- ▶ The budget includes the full actuarially determined employer contribution for the KERS and SPRS plans, and it allocates an additional \$250 million in each fiscal year to be paid toward the unfunded liability of the KERS Nonhazardous pension fund.

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