

Representative to the Legislative Monitoring Action Committee

2019-2020 Report

February 010, 202

Submitted by Senator Carcyle D. Barrett

The General Assembly is in Frankfort for a regular legislative session. This is a budget year. The LMAC will meet weekly on Mondays during the session, to closely monitor bills that have been presented by the House and Senate that advance the University's interest. Based on our meeting, I have identified the bills below which relate to staff as ones to monitor in this session. If there is something on the list that you feel as staff we should be very supportive or extremely opposed, please contact me.

KEY: HB means House Bill—bills presented before the House. SB means Senate Bill—bills presented before the Senate.

The following are draft review notes of the bills.

NOTE: The LMAC did not meet today, Monday, February 10, 2020.

HB 21 – An Act relating to mandatory benefits for health benefit plans. Amend KRS 304.17A-200 to extend health-status eligibility rules to individual and employer-organized association markets; authorize insurance commissioner to designate additional health status-related factors; prohibit adjustment of premium or contribution amounts for group health benefit plans on the basis of genetic information; amend KRS 304.17A-220 to remove requirements relating to preexisting condition exclusions; repeal and reenact KRS 304.17A-230 to define "preexisting condition exclusion"; prohibit health benefit plans in any market from imposing any preexisting condition exclusion; amend KRS 304.17A-155, 304.17A-250, 304.17A-430, 304.17A-706, 304.17B-001, 304.17B-019, and 304.18-114 to conform; provide that provisions of Act apply to all health benefit plans issued or renewed on or after January 1, 2021; EFFECTIVE January 1, 2021.

This has been introduced in committee on January 7, 2020 but has not moved since.

HB 39 – An Act relating to wages. Amend KRS 337.010 to increase the applicable threshold of employees of retail stores and service industries from \$95,000 to \$500,000 average annual gross volume of sales for the employer; amend KRS 337.275 to raise the state minimum wage to \$8.20 per hour on July 1, 2020, \$9.15 per hour on July 1, 2021, \$10.10 per hour on July 1, 2022, \$11 per hour on July 1, 2023, \$12.05 per hour on July 1, 2024, \$13.10 per hour on July 1, 2025, \$13.95 per hour on July 1, 2026, and \$15 per hour on July 1, 2027, and to raise the state minimum wage for tipped employees to \$2.13 per hour on the effective date of the Act, \$3.05 per hour on July 1, 2021, \$3.95 per hour on July 1, 2022, and \$4.90 per hour on July 1, 2023; include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.

This has been introduced in committee on January 7, 2020 but has not moved since.

HB 40 - An ACT relating to wage theft. Create a new section of Chapter 514 to create the offense of theft of wages and establish penalties; define employer and employee; amend KRS 336.080 to indicate the secretary may enter places of employment without unreasonable delay to inspect a place of employment;

amend KRS 337.020 to allow the commissioner to charge and collect past due wages; amend KRS 337.070 to require certain employers to include rate of pay, the number of hours worked, and the total amount of gross pay earned on wage statements provided to employees; amend KRS 337.320 to require employers to keep record for three years of the name, address, and occupation of each employee, the rate of pay and amount paid to each employee, a list of personnel policies provided to the employees, and a copy of the wage statement provided to each employee; create a new section of Chapter 337 to require employers to provide to an employee a written notice at the time of hire that sets forth the rate and method of pay, the employee's employment status, accruals of time, deductions that may be made from pay, and the name and address of the employer, and require the employer to keep a copy of the notice signed by the employee; amend KRS 337.990 to include a civil penalty for failure to provide the written notice to employee and maintain a copy of the signed notice. y public charity's mission; EMERGENCY.

This has been posted in committee on January 17, 2020. No further movement has taken place.

HB 43 - An ACT relating to criminal histories of job applicants. Create a new section of KRS Chapter 344 to prohibit employers from considering or requiring disclosure of prior criminal history as part of the initial job application; title the Act "Ban the Box - The Criminal Record Employment Discrimination Act."

This has been posted in committee on January 7, 2020. No further movement has taken place.

HB 91 - An ACT establishing a tax credit for employers that make payments on refinanced loans issued by the Kentucky Higher Education Student Loan Corporation to employees. Create a new section of KRS Chapter 141 to allow an income tax credit for certain employers that make payments on refinanced loans issued by the Kentucky Higher Education Student Loan Corporation to certain employees; amend KRS 141.0205 to order the new tax credit; amend KRS 131.190 to require reporting by the Department of Revenue to the Legislative Research Commission.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 102 - An ACT relating to employment-related drug screens. Create a new section of KRS Chapter 344 to prohibit employment discrimination based on a positive drug screen for cannabidiol or tetrahydrocannabinol.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 109 - An ACT relating to wages for employment. Create a new section of KRS Chapter 337 to make it a discriminatory employment action if an employer asks questions about previous salary or wages, relies on previous salary when setting a new salary, or refuses to hire if an applicant does not provide previous salary, except to allow a request for information voluntarily provided in response to an offer of employment; allow previous salary to be considered when required by law, when discovered while looking at other nonsalary information, and for public employee positions; require notice to be posted for employees; amend KRS 337.990 to assess a civil penalty for a violation.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 121 - An ACT relating to employment schedules. Create new sections of KRS Chapter 337 requiring employers to give employees a good-faith schedule of hours to be worked, to have a voluntary standby list of employees who wish to work additional hours, to post weekly schedules at least 7 days in advance, and to provide certain rest periods for employees from being scheduled; allow employees to identify time

limitations for scheduling work hours; require compensation for employer changes to the schedule; set forth unlawful practices; amend KRS 337.990 to establish a penalty for violations.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 122 - An ACT relating to leave from employment for crime victims. Amend KRS 337.415, relating to court-ordered appearances by employees, to prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime; require an employee to give an employer reasonable notice to take leave when practicable; provide guidelines for use of paid leave; require the employer to maintain confidentiality of records and communication with employee crime victim; create a penalty for failing to maintain confidentiality; define terms.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 123 - An ACT relating to earned paid sick leave. Create a new section of KRS Chapter 337 to require employers to provide earned paid sick leave to employees; provide that employees earn paid sick leave upon the date of hire and can use the leave after being employed for 90 days; set forth allowable uses of earned paid sick time; designate how notice of need to use sick time is provided by employees; amend KRS 337.990 to establish penalty for employers that fail to follow paid sick leave requirements.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 176 - An ACT relating to employment provisions for employees on parental leave. Create a new section of KRS Chapter 337 to require employers with 50 or more employees to provide twelve weeks of paid parental leave for an employee who has been employed for at least one year; allow an employee to waive the paid parental leave; provide for the promulgation of administrative regulations.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 180 - An ACT relating to health care insurance waiting periods. Create a new section of Chapter 337 to eliminate health insurance waiting periods for new employees; amend KRS 337.900 to add a penalty for failure to provide insurance to employee from first day of employment.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

HB 198 - An ACT relating to health benefit coverage of chronic pain treatments. Create a new section of Subtitle 17A of KRS Chapter 304 to establish that any health benefit plan issued or renewed in the Commonwealth that provides coverage for hospital, medical, or surgical expenses, shall include coverage for chronic pain treatments provided by a licensed professional; create a new section of KRS Chapter 205 to require Medicaid and Medicaid managed care organizations to include coverage for chronic pain treatments provided by a licensed professional; amend KRS 218A.172 to require that a health care practitioner discuss and refer or prescribe alternative chronic pain treatments before initially prescribing or dispensing a controlled substance; EFFECTIVE January 1, 2021.

This has been introduced in committee on January 9, 2020. No further movement has taken place.

HB 211 - An ACT relating to workers' compensation. Amend KRS 342.020 to require an employer to pay for medical benefits at the time of injury and thereafter during disability instead of 780 weeks; amend KRS 342.990 to conform.

This has been introduced in committee on January 10, 2020. No further movement has taken place.

HB 306 - An ACT relating to welding safety. Create a new section of KRS Chapter 198B to establish requirements for projects requiring structural steel welding such as certification of welders and certified inspectors; provide definitions; EFFECTIVE January 1, 2021.

On February 6, 2020, this bill has been reported favorably and first reading to calendar.

HB 330 - An ACT relating to leave from employment. Amend KRS 337.415, relating to court-ordered appearances by employees, to prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime; require an employee to give an employer reasonable notice to take leave when practicable; provide guidelines for use of paid leave; require the employer to maintain confidentiality of records and communication with employee crime victim; create a private right of action for improper discharge, discrimination, retaliation, and failing to maintain confidentiality; define terms; amend KRS 337.990 to establish penalties in the case of violation by employer.

This has been posted in committee on January 29, 2020. No further movement has taken place.

*****BUDGET BILL*** HB 352 - An ACT relating to appropriations and revenue measures providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.** The State/Executive Branch Budget: Detail Part I, Operating Budget; appropriate to General Government: 2019-2020: \$21,535,000, 2020-2021: \$1,793,871,500, 2021-2022: \$1,813,688,900; appropriate to the Economic Development Cabinet: 2020-2021: \$33,195,900, 2021-2022: \$36,055,300; appropriate to the Department of Education: 2020-2021: \$5,183,508,800, 2021-2022: \$5,228,565,200; appropriate to the Education and Workforce Development Cabinet: 2020-2021: \$615,595,100, 2021-2022: \$617,246,200; appropriate to the Energy and Environment Cabinet: 2019-2020: \$700,000, 2020-2021: \$272,541,300, 2021-2022: \$253,649,300; appropriate to the Finance and Administration Cabinet: 2019-2020: \$2,800,000, 2020-2021: \$1,000,424,300, 2021-2022: \$972,192,200; appropriate to the Health and Family Services Cabinet: 2020-2021: \$15,007,584,100, 2021-2022: \$15,285,043,300; appropriate to the Justice and Public Safety Cabinet: 2019-2020: \$17,216,900, 2020-2021: \$1,345,687,300, 2021-2022: \$1,369,130,400; appropriate to the Labor Cabinet: 2020-2021: \$202,693,700, 2021-2022: \$204,407,600; appropriate to the Personnel Cabinet: 2020-2021: \$64,171,200, 2021-2022: \$64,610,500; appropriate to Postsecondary Education: 2019-2020: \$497,400, 2020-2021: \$8,536,480,700, 2021-2022: \$8,930,169,100; appropriate to the Public Protection Cabinet: 2020-2021: \$129,067,100, 2021-2022: \$129,301,700; appropriate to the Tourism, Arts and Heritage Cabinet: 2019-2020: \$2,700,000, 2020-2021: \$275,773,400, 2021-2022: \$281,291,000; appropriate to the Budget Reserve Trust Fund: 2020-2021: \$10,000,000, 2021-2022: \$0; not included in the appropriation amounts are capital project amounts as follows: 2019-2020: \$7,500,000, 2020-2021: \$6,537,358,500, 2021-2022: \$249,695,600; detail Part II, Capital Projects Budget; detail Part III, General Provisions; detail Part IV, State Salary/Compensation, Benefit, and Employment Policy; detail Part V, Funds Transfer; detail Part VI, General Fund Budget Reduction Plan; detail Part VII, General Fund Surplus Expenditure Plan; detail Part VIII, Road Fund Budget Reduction Plan; detail Part IX, Road Fund Surplus Expenditure Plan; detail Part X, Phase I Tobacco Settlement; and detail Part XI, Executive Branch Budget Summary.

This has been posted in committee on February 5, 2020. No further movement has taken place.

HB 390 - An ACT related to adoption leave. Amend KRS 337.015 to require employers provide the same leave policies to adoptive parents as they provide to birth parents; change the applicable age of an adoptive child from seven to ten; create an exemption for specified categories of adoption..

This has been introduced in committee on February 6, 2020. No further movement has taken place.

SB 13 - An ACT relating to wages. Amend KRS 337.010 to increase the applicable threshold of employees of retail stores and service industries from \$95,000 to \$500,000 average annual gross volume of sales for the employer; amend KRS 337.275 to raise the state minimum wage to \$8.20 per hour on July 1, 2020, \$9.15 per hour on July 1, 2021, \$10.10 per hour on July 1, 2022, \$11 per hour on July 1, 2023, \$12.05 per hour on July 1, 2024, \$13.10 per hour on July 1, 2025, \$13.95 per hour on July 1, 2026, and \$15 per hour on July 1, 2027, and to raise the state minimum wage for tipped employees to \$2.13 per hour on the effective date of the Act, \$3.05 per hour on July 1, 2021, \$3.95 per hour on July 1, 2022, and \$4.90 per hour on July 1, 2023; include anti-preemption language permitting local governments to establish minimum wage ordinances in excess of the state minimum wage.

This has been introduced in Senate on January 7, 2020. It went to A&R on January 8, 2020. No further action has taken place.

SB 98 - An ACT relating to employment discrimination based on smoking. Amend KRS 344.040 to remove protections against employment discrimination based on an individual's status as a smoker or nonsmoker.

This has been introduced in Senate on January 17, 2020. It has gone to the Judiciary on January 21, 2020. No further action has taken place.

SB 120 - An ACT relating to income tax. Amend KRS 141.019 to exclude from adjusted gross income the amount an employer pays on behalf of an employee for student loan debt owed by that employee; amend KRS 141.039 to exclude from gross income the amount an employer pays on behalf of an employee for student loan debt owed by that employee; amend KRS 131.190 to allow data to be reported by the Department of Revenue.

This has been introduced in Senate on January 27, 2020. It has gone to the A&R on January 29, 2020. No further action has taken place.

SB 146 - An ACT relating to employment protections. Amend KRS 337.420 to make an employer only have to have one employee to be subject to the wage discrimination requirements; amend KRS 337.423 to require no wage discrimination for what has been paid to current or past employees and prohibit an employer from discriminating against an employee for discussing wages.

SB 83 - An ACT relating to a drug-free workplace. Create a new section of KRS Chapter 336 to provide definitions and to require public employers to have an appeals process for an employee who violates a drug-free policy using legal industrial products; amend KRS 18A.043 to require an appeals process for those public employers who require drug testing; amend KRS 304.13-167 to require Section 2 be complied with by public employers and suggested for private employers.

This has been introduced to the Senate on February 5, 2020.

NOTE: This HB separate as it does not directly relate to staff. However, SGA , the Women's Center and COSW very supportive based on the tampon task force which was created by the Women's Center. Additionally, UofL students approached the legislator who authored the bill, to present it to the session. Staff Senate may be interested in supporting this as well.

HB 57 - An ACT relating to providing free feminine hygiene products for women public postsecondary students. Create a new section of KRS Chapter 164 to require each public postsecondary education institution to provide free feminine hygiene products to women students; require the governing boards of each public postsecondary education institution to adopt policies for the distribution of free feminine hygiene products; define feminine hygiene products.

This has been introduced in committee on January 7, 2020. No further movement has taken place.

NOTE: These bills are also important but not directly related to staff:

HB 51 - An ACT relating to compliance with state and federal law. Amend KRS 65.133 to require local law enforcement agencies and Kentucky State Police to enforce immigration laws; create a new section of KRS Chapter 65 to define terms, including "sanctuary" and "sanctuary policy"; prohibit local governments from adopting sanctuary policies; establish hearing procedures for determination of sanctuary status; provide for the withholding of state funding from sanctuaries; create new sections of KRS Chapter 164 to prohibit postsecondary educational institutions from enrolling employing or contracting with illegal aliens; require postsecondary educational institutions to keep records of immigration status; provide for the withholding of state funding from postsecondary educational institutions that enroll, employ, or contract with illegal aliens; limit who may be considered a Kentucky resident for in-state tuition purposes; EFFECTIVE in part January 1, 2021.

This has been posted in committee on January 15, 2020. No further movement has taken place.

SB 1 - An ACT relating to federal immigration cooperation. Create new sections of KRS Chapter 61 to prohibit law enforcement agencies, law enforcement officials, employees of a law enforcement agency or public agencies, public officials, or employees of a public agency or public institution operating under KRS Chapter 164 from enacting, adopting, or otherwise enforcing any sanctuary policy; require law enforcement officials, representatives, agents, and employees of law enforcement agencies, public officials, representatives, agents, and employees of public agencies to use their best efforts, considering available resources, to support the enforcement of federal immigration law; exempt school districts, district boards of education, public charter schools, and employees and contractors from the provisions of the section; provide that any sanctuary policy adopted prior to or after the effective date of the Act in violation of Section 1 of the Act is invalid, void, and unenforceable; allow the Governor, Attorney General, or any state constitutional officer to bring an action for enforcement through injunctive action; establish a short title

This has been read for the 3rd time on February 4, 2020 (1 amendment withdrawn and 2 defeated); it passed with 1 committee substitute. Received in the house on February 5, 2020. No further action has taken place.