



2016 Kentucky General Assembly Legislative Report

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HB40 CRIMINAL RECORDS (OWENS, D) AN ACT relating to criminal records.

Amend KRS 431.076 to expand the scope of an expungement motion under that statute to include felonies referred to a grand jury where no indictment ensues; amend KRS 431.078 to expand that statute's expungement process to include Class D felonies; amend KRS 527.040 to expressly provide that an expunged felony does not trigger the application of that statute; create a new section of KRS Chapter 413 to prohibit the introduction of information pertaining to an expunged conviction as evidence in a civil suit or administrative proceeding alleging negligent hiring or licensing.

Current Status: 1/21/2016 - (S) Referred to Committee Senate
Judiciary

Recent Status: 1/19/2016 - received in Senate
1/15/2016 - (H) THIRD READING, passed 80-11 with
Committee Substitute (1), floor amendment (1)

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB40.htm>

HB80 OPEN RECORDS (HARRIS, C) AN ACT relating to open records.

Amend KRS 61.870 to narrow the funding criteria that determines exemptions from the definition of "public agency" in the Kentucky Open Records Act.

Current Status: 1/19/2016 - (H) posted in committee House State
Government

Recent Status: 1/5/2016 - (H) Referred to Committee House State
Government
1/5/2016 - Introduced (Pre-Filed)

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB80.htm>

HB91 GOVERNMENT CONTRACTS (YONTS, B) AN ACT relating to government contracts.

Amend various sections in KRS Chapter 45A to expand and refine the list of entities included in definition of "contracting body"; allow the Government Contract Review Committee to determine the definition of "governmental emergency"; refine the definition of "memorandum of agreement"; correct references to universities and colleges and institutions of higher education; refine the definition of "personal service contract" to eliminate professional skill or judgment requirement and specifically include contracts for personal or professional services and group health care for public employees; allow the committee to establish reporting schedule for exempt personal service contracts and memoranda of agreement; exempt contracts between postsecondary institutions and health care providers, but require reporting of such contracts; require committee review of all personal service contracts and memoranda of agreement in excess of \$1,000,000, except for contracts involving child support collections which are exempted; exempt contracts \$40,000 and under from request for proposals process, but require three quotes when feasible, and determination of unfeasibility may be reviewed by the secretary of the Finance and Administration Cabinet or the committee; exempt contracts \$40,000 and under not requiring professional skill or judgment from routine review process, but require filing within 30 days for informational purposes; prohibit delegation of decision-making authority by secretary of the Finance and Administration Cabinet, except with respect to institutions of higher education that have elected to implement procurement procedures in accordance with statutory authority; delete requirement for annual reports; delineate powers of the committee.

Current Status: 1/5/2016 - (H) Referred to Committee House State Government

Recent Status: 1/5/2016 - Introduced (Pre-Filed)
11/23/2015 - Pre-Filed

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB91.htm>

HB180 CRIMINAL HISTORY (BROWN, G) 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 as "Ban the Box-The Criminal Record Employment Discrimination Act."

Current Status: 1/13/2016 - (H) posted in committee House Labor and Industry

Recent Status: 1/7/2016 - (H) Referred to Committee House Labor and Industry
1/6/2016 - Introduced

HB274 SALES AND USE TAX (DENHAM, M) AN ACT relating to sales and use tax incentives.

Amend KRS 154.32-020, relating to the Kentucky Business Investment (KBI) economic development incentive program, to allow a new, additional sales and use tax incentive to be awarded to approved companies undertaking economic development projects in certain enhanced incentive counties; create a new section of Subchapter 32 of KRS Chapter 154 to establish the parameters of the sales and use tax refund incentive; amend KRS 154.32-040 to conform; create a new section of KRS Chapter 139 to establish the procedure for an approved company to apply to the Department of Revenue for payment of a refund; declare the short title of the Act to be the Rural Communities Economic Advancement and Job Creation Act of 2016; provide that the Act shall apply to economic development projects undertaken by companies receiving preliminary approval on or after the effective date of the Act.

Current Status: 1/20/2016 - (H) Referred to Committee House
Appropriations and Revenue

Recent Status: 1/19/2016 - Introduced

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB274.htm>

HB278 WAGES (STUMBO, G) AN ACT relating to wages.

Amend KRS 337.275 to raise the state minimum wage to \$8.20 per hour on August 1, 2016, \$9.15 per hour on July 1, 2017, and \$10.10 per hour on July 1, 2018; amend KRS 337.010 the definition of employees of retail stores and service industries, to increase the applicable threshold of business that applies to from \$95,000 to \$500,000; amend KRS 337.420 to define "equivalent jobs" as those that are equal under the federal Equal Pay Act, or jobs that are dissimilar but equivalent in skill, effort, responsibility, and working conditions; amend KRS 337.423 to prohibit wage discrimination on the basis of sex, race, or national origin by prohibiting wage differentials for employees who perform equivalent jobs; provide exceptions for wage differentials based on seniority or merit systems, systems that measure wages by quantity or quality of production, and factors other than sex, race, or national origin; amend KRS 337.425 to require the promulgation of administrative regulations to specify criteria for determining jobs that are dominated by employees of a particular sex, race, or national origin, and acceptable methodology for determining equivalent skill, effort, responsibility, and working conditions; require that the promulgation occur on or before July 1, 2017; EFFECTIVE July 1, 2018.

Current Status: 1/21/2016 - (H) Referred to Committee House Labor and Industry

Recent Status: 1/20/2016 - Introduced

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB278.htm>

SB3 **CONTRACTS (STIVERS, R) AN ACT relating to contracts.**

Amend KRS 336.130 to prohibit mandatory membership in or financial support of a labor organization as a condition of employment and to name this section the "Kentucky Right to Work Act"; amend KRS 336.180 to define "employer"; amend KRS 336.990 to make a violation of the Act a Class A misdemeanor, award damages, and provide injunctive relief; create new sections of KRS Chapter 336 to exempt existing contracts or agreements and other federal agreements and require the Attorney General to investigate complaints and prosecute those who violate Section 1 of the Act.

Current Status: 1/7/2016 - (S) Referred to Committee Senate Economic Development, Tourism, and Labor

Recent Status: 1/6/2016 - Introduced

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB3.htm>

SB11 **ALCOHOLIC BEVERAGES (SCHICKEL, J) AN ACT relating to alcoholic beverages.**

Amend KRS 241.010 to define "bed and breakfast," "commercial quadricycle," and "discount in the usual course of business"; expand the definition of "alcoholic beverage" to include a powder or crystal containing alcohol; increase the annual production limit for small farm wineries from 50,000 gallons to 100,000 gallons; make a souvenir package a special package of Kentucky distilled spirits; create a new section of KRS Chapter 242 to allow a precinct-level local option election to authorize the sale of alcoholic beverages at a distillery; amend KRS 242.020 to require those who circulated a local option petition to bear the cost of the election if it is held on a day other than a primary or regular election day; amend KRS 242.030 to set the filing deadlines for a local option election held on a primary or regular election day; amend KRS 242.1241 to conduct a small farm winery local option election in the same manner as in KRS 242.020 to 242.120; create a new section of KRS Chapter 243 to establish and regulate authorized public consumption (APC) licenses for use with commercial quadricycles; set APC license qualifications, including a business office, general liability insurance of at least \$2,000,000, and a local government permit; establish the standards for drivers and local ordinances for commercial quadricycles; allow patrons to bring their own unopened

packaged alcoholic beverages in nonglass containers for personal consumption on the commercial quadricycle; limit patron consumption to times after boarding and while riding the commercial quadricycle; prohibit patrons from bringing open alcoholic beverages from a licensed retail premises onto the commercial quadricycle; forbid local APC fees from exceeding state APC fees; amend KRS 243.030 and 243.070 to establish state and local APC license fees and craft rectifier license fees; amend KRS 243.060 to designate state and local APC license fees; amend KRS 243.0305 to set maximum souvenir package sales of nine liters per customer per day; establish rules for distillery use of a sampling license or an NQ3 license; amend KRS 243.033 to allow a caterer to cater a private party or special event at a nonfederally bonded portion of a distillery; amend KRS 243.036 to apply a distilled spirits and wine auction license to malt beverages; include raffles as a part of the auction license; amend KRS 243.086 to permit an NQ3 retail drink license for a distiller or a bed and breakfast; limit bed and breakfast drink sales to paid overnight guests; amend KRS 243.090 to make most local alcohol licenses expire on the same date as the corresponding state license; prorate the cost of a local license in the first year to allow the local license to synchronize with the state license; amend KRS 243.120 to create Class A and Class B rectifier's licenses; tax and distribute distiller retail drink sales in the same manner as souvenir package sales; amend KRS 243.130, 243.155, and 243.157 to allow employees of distillers, rectifiers, wineries, small farm wineries, and microbreweries to sample their employer's products for purposes of education, quality control, and product development; enable small farm wineries to enter into "custom crush" agreements with one another; permit a small farm winery to sell its wine products that are unmarketable as wine to a distiller; allow a small farm winery to produce up to 1,000 gallons of brandy per year; mandate the use of 100% Kentucky products in the production of brandy or its fortified wine products; forbid the offer or sale of brandy as a stand-alone product; exclude brandy and fortified wine production from a small farm winery's wine production limit; authorize sampling and sale of fortified wine products at a small farm winery or off-premises retail site located in wet territory; limit fortified wine samples to two ounces per patron per day; direct a small farm winery to only fortify its wine products with brandy it manufactured; increase the annual production limit for microbreweries from 25,000 barrels to 50,000 barrels; authorize a microbrewery to sell its products by the drink or package at fairs, festivals, and similar events; create a new section of KRS Chapter 244 to forbid any person to possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product; amend KRS 244.050 to authorize a quota retail package licensee to provide free and paid samples of distilled spirits or wine; amend KRS 244.085 to allow a person under 21 years of age to remain at a licensed APC premises; amend KRS 244.130 to enable a distiller

to provide visitors with free production by-products or free nonalcoholic novelty items; amend KRS 244.240 to permit distillers, rectifiers, wineries, and wholesalers to give discounts in the usual course of business if the same discounts are offered to all licensees of the same license type buying similar quantities; amend KRS 242.022, 242.1242, 242.1244, 243.034, and 243.882 to conform; repeal KRS 243.892.

Current Status: 1/19/2016 - (H) Referred to Committee House
Licensing and Occupations

Recent Status: 1/15/2016 - received in House
1/14/2016 - (S) THIRD READING, passed 29-8 with
Committee Substitute, floor amendments (1) and (2)

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB11.htm>

Week in Review

January 22, 2016

[Bills to provide civil immunity for persons entering vehicles to save children and animals passes Senate committee](#)

Two bills which would provide immunity for individuals who break into a vehicle to rescue a child and/or animals who appear to be in danger have passed the Senate Committee on Judiciary.

[Kentucky Senate President Suggests 'Austere' Measures In State Budget](#)

Less than a week before Gov. Matt Bevin gives his formal state budget proposal, Republican Senate President Robert Stivers, Bevin's ally, gave an ominous prediction.

[Bevin asks state workers for their input on his budget plan](#)

Gov. Matt Bevin is asking state workers what matters to them in anticipation of his state budget address next week.

[Dog bite bill and vulnerable victims legislation passes full Senate](#)

Legislation which would alleviate legal liability for a property owner whose tenants dog bites an individual, and a bill which allows vulnerable victims of abuse to testify about continuing patterns of abuse instead of having to remember specific dates cleared the full Senate on Thursday.

[Informed-consent bill takes a small step in House as Stumbo proposes raising minimum wage](#)

House Minority Floor Leader Jeff Hoover inched one of his caucus's primary legislative priorities forward with a procedural move on Wednesday, the same day House Speaker Greg Stumbo introduced a bill that would raise the state's minimum wage.

[Bill giving attorney general's office jurisdiction in human-trafficking cases heads to House floor](#)

A bill granting the Office of the Attorney General a greater role in prosecuting human trafficking offenses unanimously cleared a House committee on Wednesday.

[Kentucky bills would offer death benefits for families of EMS employees](#)

Once again, bills have been filed in the Kentucky legislature that would provide a one-time death benefit to help the survivors of fallen employees of emergency medical services.

[Gov. Bevin taps former Louisville GOP chair and Ky. Chamber of Commerce public affairs VP for cabinet appointments](#)

A little over a month into office and Gov. Matt Bevin continues to fill out the members of his inner circle.

[Bevin fills job in Governor's Office of Agriculture Policy](#)

Gov. Matt Bevin has appointed a veteran farm policy official to the job as the executive director of the Governor's Office of Agricultural Policy.

[Kentucky Senate Panel OKs Bill To Double DUI 'Look-Back' Period](#)

A state Senate committee has passed a bill that would crack down on habitual drunk drivers.

actionTRACK - Kentucky Legislative Services, LLC.

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