

Kentucky General Assembly

LEGISLATIVE UPDATE

March 13, 2020

Below is a listing of bills that specifically relate to KTIA's legislative agenda. To review the agenda click [here](#). As we move through the 2020 legislative session any new information from a previous week will be in **red**. Following the KTIA update is the general overview of this week's legislative activity provided by KTIA's lobbying team at MML&K.

For more details on the KTIA listed bills along with others also relevant to the industry, click [here](#). Also, click [here](#) for a report geared to general governmental and business issues. Within those reports, if you would like to access the actual bill, click on "Bill Page" at the bottom of the screen. On the next screen click on the entry next to "Bill Documents."

SPECIAL NOTE: Several new and updated 2020 items produced by RunSwitch PR have been added to our online advocacy toolkit. Click [here](#) to access:

- Legislator Leave Behind "Roadmap" - KTIA 2020 Legislative Agenda
- Restaurant Tax One-Pager Leave Behind
- Tourism Info Graph
- Mock Taxpayer Check
- Template Letters to the Editor
- Media Interview Tips

Tourism Funding

Restaurant Tax

HB470

Filed 2/21. Sponsored by Rep. Rob Rothenburger (R-Shelby)

At this point the bill has very limited legislative support and is not expected to advance. We will keep you posted if there are any new developments.

KTIA Position: Support

Transient Room Tax

Click [here](#) to review a KTIA legislative alert distributed January 30, 2020.

Welcoming KY

A Welcoming Kentucky

No bills to date.

Film Incentives

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No bills to date.

Sports Gaming

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HB137 Would permit sports wagering.

KTIA signed on to a letter this week to all legislators joining others such as meetNKY, VisitLex, KACo, KEA, KLC, KY Chamber, and others in encourage passage.

Reported out favorably by House Licensing & Occupations Committee. Awaiting full House vote. KTIA has contacted association members in counties served by several Representatives whose vote could be critical to House adoption and requested that the KTIA members contact those Representatives to encourage their support of HB137. Still awaiting House action. Numerous floor amendments filed.

KTIA Position: Support

Bourbon Visitor Experience

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SB99

Contains two of KTIA's agenda bourbon visitor experience positions: reauthorization of local option precinct elections and permitting distillers to sell from their gift shops products that were produced in collaboration with a brewer or microbrewer.

Approved by the Senate, sent to the House and awaiting action by Licensing & Occupations Committee.

KTIA Position: Support

Hotel Industry

Workforce

No bills to date.

Human Trafficking

HB2

Sponsored by Suzanne Miles (R-Owensboro)

Passed in the House 87-0. Assigned to Senate Judiciary Committee.

This bill replaces HB183 as a more comprehensive approach to human trafficking. Besides adding specific human trafficking offenses to what qualifies as a sex crime under Kentucky law, the bill would increase awareness and prevention of human trafficking by requiring that the national human trafficking hotline number - currently (888)-373-7888 - be posted in public restrooms in airports, train stations, bus stations and truck stops.

Rep. Miles has contacted KTIA and requested our support of her bill and that support is being provided.

KTIA Position: Support

HB183 AN ACT relating to human trafficking. Amend KRS 17.500 to add a felony offense of KRS 529.110 or 529.110 involving commercial sexual activity to the definition of "sex crime"; create a new section of KRS Chapter 183 to require airports to post the hotline number of the National Human Trafficking Resource Center in all restrooms; create a new section of KRS Chapter 281 to require truck stops to post the hotline number of the National Human Trafficking Resource Network.

KTIA Position: Support

Kentucky General Assembly Weekly Report

WEEK 10

March 9th - 12th (Legislative Days 43 - 46)

Kentucky is certainly not immune to the disruptions caused by the coronavirus, and it's impacting everything from racetracks to grocery store shelves, and even the session itself (a copy of our Friday morning communication about the session hiatus is included below). Despite real concerns, the show must go on, and the only noticeable changes around the Capitol regard social distancing practices, such as spreading out committee room chairs and removing seats from the cafeteria altogether. Kentucky Gov. Andy Beshear has been a fixture around Frankfort and on the news, offering multiple, daily updates with public health officials and department heads regarding prevalence of the virus, and how state government is coordinating response efforts. He has earned praise from both sides of the aisle for the manner in which he's handled himself during this first crisis of his young administration.

Regarding legislative action during this shortened, four-day work week, the House has finally been able to shift focus away from the business of budgeting and is rapidly moving bills off the House floor. Among measures garnering some attention this week was the passage of yet another proposed amendment to the Kentucky Constitution. Rep. Joe Fischer sponsored HB67, which would expressly state that there is no right to an abortion in the *Kentucky* Constitution. Social conservatives in the legislature, in anticipation of the potential overturning of *Roe v. Wade*, do not trust the Kentucky Supreme Court not to discover a right to an abortion within the existing state constitution and are pre-emptively clarifying that for them. This is widely considered to be one of the priority amendments coming from the House, and it may very likely receive a vote of the people in November. Constitutional Amendments passed by both chambers are not subject to gubernatorial veto.

The House Democratic Caucus, who submarined a non-partisan, relatively non-controversial amendment proposal regarding local taxing authority on the House floor last week, contributed a dozen votes on this abortion bill this week. That local taxing amendment was somewhat revived on Monday by a procedural motion, and another floor vote may yet come before the conclusion of session. A measure that would align the electoral cycles and term lengths of many members of the Kentucky Court of Justice sailed through a House committee on Thursday morning. That measure also increases the minimum qualifications as an attorney for an eligible District Court Judge candidate from its current two-year standard, to eight years.

SB50 passed the House unanimously on Thursday. That bill would limit the number of PBMs serving Kentucky's Medicaid Managed Care population to a single PBM. That bill was borne out of concern that Kentucky's MCOs had non-transparent contracts with PBMs, which were pricing and reimbursing drugs in such a way that threatened the livelihood of community pharmacies. After multiple years of effort, it has finally passed both chambers. It still awaits concurrence of the Senate before being sent to the Governor's Office for signing. Sports gaming and a proposed increase in the gas tax did not receive any additional action this week, but nothing is ever truly dead in Kentucky until the legislature adjourns sine die.

The Senate continues to plod methodically through its much more limited docket of bills, reserving the bulk of its time to allow for members of Leadership and the Senate Appropriations & Revenue Committee to review the House's budget proposal. The effort is for the Senate to approve its budget at the end of next week, reserving the last week of March for a conference committee with the House to agree on a final product.

In addition to their responsibility on legislative matters, the Senate also confirms dozens of executive branch appointments. Those confirmations come in the form of simple, Senate Resolutions, which generally move quickly through the process.

Meanwhile, the House Judiciary Committee heard testimony this week and passed HB 3, a civil justice reform bill sponsored by Rep. Chad McCoy. The bill would create new sections of the law to lift the statute of limitations for certain lawsuits where comparative fault is an issue, extend the statute of limitations for one year for plaintiffs who submit claims regarding long-term-care facilities to an evaluation process, and exempt passive investors from liability in claims against long-term-care facilities. This bill now awaits action on the House floor.

Also this week, the House Licensing & Occupations committee passed HB286 which would phase out the requirement for an advance practice registered nurse (APRN) to have a collaborative agreement with a physician to prescribe controlled substances. For several years this bill has been met with strong opposition from the physician community because of the controlled substance epidemic Kentuckians currently face. The bill now awaits action on the House floor.

Assuming the session restarts on Tuesday and there are no further disruptions to the calendar, expect some committee agendas to lengthen considerably. In addition to standard committee meetings, there will doubtless be multitudes of specially called hearings taking place during recesses, upon adjournment, or any other time they may fit. It is during this time of year that the committee substitute amendment process becomes prevalent, and MML&K will be present at all such committees to quickly catch and review committee amendments. Committee substitutes are typically entered into the LRC website (legislature.ky.gov) the evening on the date they are introduced, and they are visible by scrolling down to the 'Proposed Amendment' portion of each bill's homepage. The adoption of a committee substitute is not reflected in the "Current" version bill link *until it passes the full chamber*. Please do not hesitate to call with any questions about bill statuses and how to navigate the relatively new LRC website layout.

This communication regarding the postponement of the 2020 session was sent during the early business hours on Friday morning. We will continue to provide updates as the situation evolves.

The Kentucky General Assembly is taking a brief hiatus from *official* working days, but the intense work of completing a state budget and passing legislation remains unaltered. That goes for both legislators and lobbyists. The Governor and legislative leaders are hoping to utilize this Friday-Monday timeframe to evaluate the spread of the coronavirus, while determining the appropriate balance between public access to the lawmaking process and the health and safety of public officials and staff.

Over this weekend, lawmakers and staff are expected to continue deliberating in working groups over the Senate budget, no doubt while remaining in touch with their House colleagues about priority issues. Regardless of the circumstances, lawmakers must enact a two-year state budget by July 1.

The 2020 legislative calendar had a couple days of flexibility already built in - March 27th and March 30th were scheduled to be non-legislative days. If the calendar were to be adjusted, the General

Assembly may still have a full, 60-working day session, conclude by April 15, and allow the legislature to override gubernatorial vetoes.

Kentucky's Constitution *requires* that session conclude by midnight on April 15th. That end-date is preceded by a 10-day (not including Sundays) veto recess period, meaning the legislature must conclude most of its business by Thursday, April 2. However, the legislature can still pass legislation in the days leading up to April 15, lawmakers will just lose their ability to override the vetoes. If for some reason the legislature deems it necessary to adjourn the session prior to completing their work, they may convene a special session if called by the Governor. Special sessions are limited to the items on the Governor's call, with a scope much narrower than the nearly 1,000 bills filed thus far.

Please continue to monitor your emails for frequent updates to the legislative calendar, advocate access to public facilities, and other relevant announcements regarding the coronavirus in the Commonwealth.

Kentucky Travel Industry Association

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