Water & Wastewater Task Force

Three different resolutions have been introduced to reestablish the Public Water and Wastewater System Infrastructure Task Force to continue an evaluation of policy options for addressing Kentucky’s troubled public water and wastewater utilities. HCR 88 has been introduced by Representative Jim Gooch, Providence. Insiders consider this resolution to be the current favorite for passage, among the three resolutions, because it includes the Kentucky Public Service Commission (PSC) and the Louisville/Jefferson County Metropolitan Sewer District (MSD) on the Task Force.

The other two resolutions are HJR 98, sponsored by Representative Joe Graviss, Versailles; and SCR 152, sponsored by Phillip Wheeler, Pikeville. We will continue to follow all three resolutions as the session progresses.

The last day for new House bills to be introduced is March 2. In the Senate, the last day for new bills is the following day, March 3. The last day of the 2020 session is scheduled to be April 15.

The Kentucky Rural Water Association will be hosting its Legislative Breakfast next week, on Wednesday, March 4, 2020 at the Capital Plaza Hotel in Frankfort from 7:00 am until 9:00 am. The Legislative Breakfast provides a great opportunity for utility managers and board members to meet with their representatives and senators during the session to gain support for projects and discuss possible legislation. To register online go to www.krwa.org or call KRWA at 270-843-2291 TODAY.

The state maintains a comprehensive Legislative website: http://www.lrc.ky.gov. From this site, you can view all bills and resolutions, contact legislators by email and check on legislative committee schedules and calendars.

The Kentucky General Assembly also maintains several toll-free phone numbers for citizens to offer feedback or opinions. The Legislative Message Line is (800) 372-7181. Citizens with hearing impairments can use the TTY Message Line at (800) 896-0305.

This issue of e-Liaison contains summary information for bills that we are tracking with details on the most recent activity for each bill. We will continue to highlight timely legislative news that is important to our members in each weekly issue. If you would like to suggest that we add a bill to the e-Liaison for tracking purposes, please contact KRWA.
KRWA Legislative Tracking Report  
February 28, 2020

**HB44  INFRASTRUCTURE (GOOCH JR., JIM)**

Amend KRS 511.100 to change the definition of “key infrastructure assets” to specify that natural gas or petroleum pipelines are the type of pipelines covered in the definition and include other types of infrastructure assets; amend KRS 512.020 to include tampering with, impeding, or inhibiting operations of a key infrastructure asset in the offense of criminal mischief in the first degree; create a new section of KRS 411 that a civil action may be maintained against a person that compensates or remunerates a person to violate KRS 512.020 and the compensated person is convicted of criminal mischief in the first degree.

**CURRENT STATUS:** 2/27/2020 - (S) SECOND READING, to Rules

**HB77  PREVAILING WAGE (KULKARNI, NIMA)**

Create a prevailing wage law for all public works projects; amend KRS 12.020, 99.480, 227.487, 336.015, 337.010, and 337.990 to conform.

**CURRENT STATUS:** 1/7/2020 - (H) Referred to Economic Development & Workforce Investment (H)

**HB114  PUBLIC PROCUREMENT (DONOHUE, JEFFERY)**

Create new sections of KRS Chapter 45A to set forth findings of the General Assembly and establish a policy of the Commonwealth of Kentucky to promote the Kentucky and United States economies by requiring a preference for iron, steel, and manufactured goods produced in Kentucky and the United States.

**CURRENT STATUS:** 1/7/2020 - (H) Referred to State Government (H)

**HB123  EARNED PAID SICK LEAVE (CANTRELL, MCKENZIE)**

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.

**CURRENT STATUS:** 1/7/2020 - (H) Referred to Economic Development & Workforce Investment (H)

**HB126  UTILITY RATES (HATTON, ANGIE)**
Amend KRS 278.030 to include rate affordability when determining fair, just and reasonable utility rates; allow the Public Service Commission to review the affordability of a utility's rate if the utility has not requested a rate adjustment in five years; allow the commission to order a rate increase to prevent significant increases in a single period; require fair, just, and reasonable rates to balance the interests of the utility, its investors, and the ratepayer.

CURRENT STATUS: 1/7/2020 - (H) Referred to Natural Resources & Energy (H)

**HB171** KENTUCKY EMPLOYEES RETIREMENT SYSTEM (*DUPLESSIS, JIM*)

Repeal, reenact, and amend KRS 61.565 to change the Kentucky Employees Retirement System's nonhazardous employer contribution payable on or after July 1, 2020, from a percentage of pay for both the normal cost contribution and the actuarially accrued liability contribution to a normal cost that is a percent of pay and an actuarially accrued liability contribution that is a set dollar amount; provide that the set dollar amount for the actuarially accrued liability contribution for KERS nonhazardous funds shall be allocated to each individual employer based upon the employer's percent share of the liability as of the June 30, 2019 actuarial valuation and shall be paid by employers in equal installments monthly.

CURRENT STATUS: 2/20/2020 - (S) Referred to State & Local Government (S)

**HB195** LOCAL GOVERNMENT LEGAL ADVERTISEMENTS (*MILLER, JERRY T.*)

Create a new section of KRS 424.110 to 424.370 to give local governments the option to post required advertisements online on a notice Web site operated by local government in lieu of newspaper publication, so long as a one-time advertisement is published in an actual newspaper; specify requirements for advertisements published on the notice Web site and in an actual newspaper; specify rights of public and duties of local government; set out consequences of local government's failure to publish as required by law; provide penalty.

CURRENT STATUS: 2/24/2020 - (S) Referred to State & Local Government (S)

**HB208** COMMERCIAL MOBILE RADIO SERVICE CHARGES (*ROTHENBURGER, ROB*)

Amend KRS 65.7636 to remove the ability of Lifeline providers to bill and collect the CMRS service charge levied under the section from end users; make conforming changes; EMERGENCY.

CURRENT STATUS: 2/26/2020 - (S) SECOND READING, to Rules

**HB231** COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES (*CANTRELL, MCKENZIE*)

Creates a new section of KRS Chapter 336, relating to collective bargaining for public employees; amend KRS 336.010 to define "public employees"; amend KRS 336.130 to allow employees of the Commonwealth of Kentucky to collectively bargain.

CURRENT STATUS: 1/13/2020 - (H) Referred to State Government (H)
**HB232**  OPEN RECORDS  *(SOROLIS, MARIA)*

Amend KRS 61.882 to require the award of costs and attorney fees if a court finds a record is withheld willfully under the Open Records Act.

**CURRENT STATUS:**  1/13/2020 - (H) Referred to Judiciary (H)

**HB247**  PROCUREMENT  *(HART, MARK)*

Amend KRS 45A.380 to enable noncompetitive negotiation under the Kentucky Model Procurement Code for purchase or sale of wholesale electric power or natural gas by a local public agency; amend KRS 424.260 to exempt contracts for local public agency purchase or sale of wholesale electric power or natural gas of more than $30,000, from requirement for newspaper advertisement for bids.

**CURRENT STATUS:**  1/16/2020 - (H) posted in Natural Resources & Energy (H)

**HB309**  OPEN MEETINGS  *(SOROLIS, MARIA)*

Amend KRS 61.846 to allow an agency or the Attorney General to vacate actions taken at a meeting where the agency failed to give notice of the meeting; Amend KRS 61.848 to require a person to be awarded court costs and attorney fees when a court finds there was no justiciable reason for an agency's denial of an open meetings complaint, and to allow a court to vacate actions taken at a meeting where the agency failed to give notice of the meeting.

**CURRENT STATUS:**  1/27/2020 - (H) Referred to State Government (H)

**HB334**  NATURAL RESOURCES  *(CANTRELL, MCKENZIE)*

Propose to create a new section of the Constitution of Kentucky establishing a right of the people to have clean air, pure water, and for the Commonwealth to be required to preserve the natural, scenic, historic, and esthetic values of the environment for the benefit of all Kentuckians; provide ballot language; submit to voters for ratification or rejection.

**CURRENT STATUS:**  1/29/2020 - (H) Referred to Elections, Const. Amendments & Intergov. Affairs (H)

**HB377**  SPECIAL PURPOSE GOVERNMENTAL ENTITIES  *(BOWLING, ADAM)*

Amend KRS 65A.020 to allow the Department for Local Government (DLG) to exclude certain revenues received by special purpose governmental entities that are public use airports in determining the annual fee due from those entities; amend KRS 65A.030 to allow the DLG to exclude certain receipts received by special purpose governmental entities that are public use airports in determining the requirements relating to audits and financial statements of those entities.

**CURRENT STATUS:**  2/21/2020 - (S) Referred to Transportation (S)

**HB446**  WATER DISTRICT COMMISSIONERS  *(GOOCH JR., JIM)*
Amend KRS 74.020 to change the limits on water district commissioners’ annual salary to limits on their total annual compensation; allow the Public Service Commission to grant reasonable extensions of time for water district commissioners to complete their training requirements for good cause shown; amend KRS 74.363 to conform.

CURRENT STATUS: 2/21/2020 - (H) Referred to Local Government (H)

HCR88 REESTABLISHING THE PUBLIC WATER AND WASTE WATER SYSTEM INFRASTRUCTURE TASK FORCE (GOOCH JR., JIM)

Reestablish the Public Water and Wastewater System Infrastructure Task Force; direct the task force to continue to evaluate policy options on how to address Kentucky’s troubled public water and wastewater systems; name the membership of the task force; require the task force to meet at least three times during the 2020 Interim and to submit its findings, legislative recommendations, or a memorandum to the Legislative Research Commission by November 30, 2020; provide that the Legislative Research Commission is authorized to alternatively assign the issues to be addressed by the task force to an interim joint committee or subcommittee thereof and to assign an alternative study completion date.

CURRENT STATUS: 2/28/2020 - (H) SECOND READING to Rules

HJR98 ESTABLISHING THE WORKING GROUP ON WATER AND WASTE WATER INFRASTRUCTURE (GRAVISS, JOE)

Establish the Working Group on Public Water and Wastewater Infrastructure in the executive branch and specify its role and function; reestablish the Public Water and Wastewater System Infrastructure Task Force and specify its role and function; require the working group to give monthly updates to the task force; require the task force to report to the Legislative Research Commission by December 1, 2020.

CURRENT STATUS: 2/26/2020 - (H) Referred to Natural Resources & Energy (H)

HR37 KENTUCKY RIVER (TIPTON, JAMES)

Encourage restoration and maintenance of the Kentucky River to ensure full navigability of the river for economic and tourism development purposes.

CURRENT STATUS: 2/7/2020 - adopted by voice vote

HR74 CAREER AND TECHNICAL EDUCATION MONTH (UPCHURCH, KENNETH)

Recognize February as Career and Technical Education Month in Kentucky.

CURRENT STATUS: 2/11/2020 - adopted by voice vote

SB5 SPECIAL PURPOSE GOVERNMENTAL ENTITIES (ALVARADO, RALPH)
Create a new section of KRS Chapter 65A to require proposed increases in ad valorem taxes and certain fees and the levy of new ad valorem taxes or fees by special purpose governmental entities to be submitted to the legislative body of the county or city in which the special purpose governmental entity is located for review; amend various sections of the Kentucky Revised Statutes to conform; repeal KRS 65A.100; EFFECTIVE January 1, 2021.

**CURRENT STATUS:** 1/31/2020 - (H) posted in Local Government (H)

**SB86 WATER FLUORIDATION (WEST, STEPHEN)**

Amend KRS 211.190 to allow local government entities and special districts to void implementation of the water fluoridation programs administered by the Cabinet for Health and Family Services by legislative action.

**CURRENT STATUS:** 1/15/2020 - (S) Referred to State & Local Government (S)

**SB103 AGRICULTURAL LAND (CASTLEN, MATT)**

Amend KRS 211.015 to reduce the minimum acreage requirement to qualify as a "farmstead" from ten acres to five acres for the purposes of on-site sewage disposal system requirements; amend KRS 318.010 to reduce the minimum acreage requirement to qualify as a "farmstead" from ten acres to five acres for the purposes of exemption from the requirements of the Kentucky State Plumbing Code.

**CURRENT STATUS:** 2/21/2020 - (H) Referred to Local Government (H)

**SB162 TRAINING OF CITY OFFICIALS (GIRDLER, RICK)**

Create a new section of KRS Chapter 83A requiring all mayors and legislative body members in cities of the home rule class to undergo a mandatory three-hour block of instruction concerning various duties and obligations; establish criteria for training and provide for training; establish filing requirements; establish penalty for failure to comply; require any mayor or legislative body members to receive training within one year of the effective date of this Act.

**CURRENT STATUS:** 2/13/2020 - (S) Referred to State & Local Government (S)

**SB165 UNDERGROUND FACILITY PROTECTION (HORNBACK, PAUL)**

Amend KRS 367.4903 to define "positive response," "unique identification number," and "locator"; amend KRS 367.4909 to require operators to update the positive response system documenting the status of marking the approximate location of its underground facilities and to require excavators to give additional time to operators of underground facilities transporting gas or hazardous liquids or transmitting electricity; amend KRS 367.4911 to require excavators that find evidence of an unmarked underground facility to notify the protection notification centers and give the operators 6 hours to identify the facility; provide that if an operator of underground facilities other than one transporting gas or hazardous liquids or transmitting electricity fails to respond to locate requests and to update the positive response system the excavator shall not be liable for damages resulting from the operator's failure to comply with the duties provided in the Underground Facility Damage Prevention Act of 1994; amend KRS 367.4913 to
clarify the duties of the protection notification centers and to require the centers to maintain certain information for 5 years and file an annual report with the Governor and the Legislative Research Commission.

CURRENT STATUS: 2/14/2020 - (S) Referred to Economic Development, Tourism, and Labor (S)

SB217 OPEN RECORDS (BUFORD, TOM)

Amend KRS 61.870 to include a utility regulated by the Public Service Commission under the definition of a "public agency" for purposes of public records only; amend KRS 61.878 to provide that records of a utility relating to expenditure of funds paid for by its customers are public records.

CURRENT STATUS: 2/26/2020 - Introduced

SB228 UNDERGROUND FACILITY PROTECTION (SCHRODER, WIL)

Amend KRS 367.4903 to redefine "excavator," "approximate location," and "working day"; define "person," "positive response," "tolerance zone," and "unlocatable facility"; amend KRS 367.4909 to require a positive response from operators of underground facilities; enunciate the timing of operator responses; amend KRS 367.4911 to provide excavator start dates and when mechanized equipment can be used in the tolerance zone; amend KRS 367.4913 to change the composition of the Kentucky Contact Center board of directors; amend KRS 369.4915 to exempt certain noninvasive inspection and maintenance excavating; amend KRS 367.4917 to impose penalties on the employer if the violation is committed in the scope of employment.

CURRENT STATUS: 2/27/2020 - Introduced

SCR152 PUBLIC WATER AND WASTE WATER SYSTEM (WHEELER, PHILLIP)

Reestablish the Public Water and Wastewater System Infrastructure Task Force; direct the task force to continue to evaluate policy options on how to address Kentucky's troubled public water and wastewater systems; name the membership of the task force; require the task force to meet at least three times during the 2020 Interim and to submit its findings, legislative recommendations, or a memorandum to the Legislative Research Commission by November 30, 2020; provide that the Legislative Research Commission is authorized to alternatively assign the issues to be addressed by the task force to an interim joint committee or subcommittee thereof and to assign an alternative study completion date.

CURRENT STATUS: 2/27/2020 - (S) Posted for Passage in Regular Orders of the Day for Monday, March 2, 2020

SR108 PUBLIC SERVICE COMMISSION (SMITH, BRANDON)

Confirm the reappointment of Michael J. Schmitt as Chair of the Public Service Commission for a term expiring July 1, 2023.

CURRENT STATUS: 2/10/2020 - adopted 34-0