

March 31, 2017 Kentucky General Assembly's 2017 session ends.

The 2017 regular session of the Kentucky General Assembly ended Thursday evening 3/30 shortly before midnight after months of work that led to passage of over 147 bills that will impact most areas of Kentucky life, from public education to the fight against drug abuse. There were 253 bills introduced in the Senate and 540 bills introduced in the House. In total, nearly 800 bills to be read and balanced on their impact for and against our first responders.

After three months of a legislative session, for those making the annual pilgrimage to Frankfort, there is no sweeter sound than the striking of a gavel adjourning the General Assembly "Sine Die"! Last night 3/30/17 at midnight, the members of the Kentucky General Assembly concluded their work in this current regular session and so to, did your KACP Legislative team. A tremendous amount of appreciation goes out to Mr. Pat Crowley of Strategic Advisers and Mr. J.D. Chaney and Ms. Bryanna Carroll of KLC! Together we presented a solid front to support good legislation and to oppose bad legislation.

Most new laws that were passed and signed by Governor Bevin that come from legislation that doesn't contain emergency clauses or different specified effective dates will go into effect in late June. Those bills declaring an emergency like SB 104, (the spiking bill) were signed into law effective immediately. Please take the time to review SB 104 which can be found at irc.ky.gov. I will attach a highlighted abstract for those not wanting to read the entire bill.

As of the final gavel fell closing the session, the KLEFPF bill, Senate Bill 31, was in trouble and was withdrawn by the bill's sponsor. Two weeks ago, the bill was sailing through the General Assembly, but the night before the House was scheduled to vote on the bill, two House members (REP's D. Hale and T. Couch) added two house floor amendments to the bill. One amendment puts KSP under KRS Chapter 16, basically allowing KSP its own code of conduct; this amendment was not a problem.

But a second amendment ultimately stalled the bill. It listed Fish and Wildlife under K.R.S. 15.520, but they would still have to pay their KLEFPF out of their own funding. Again, the amendment did not permit Fish and Wildlife to receive KLEFPF funding, but rather be included and be certified under KLEFPF. The Senate refused to concur, or accept, the House amendments, apparently because the Senate GOP caucus – including Sen. Carroll, who sponsored the bill – did not want amendments on the bill. SB 31 was sent to a conference committee, which is a committee of House and Senate members appointed by leadership of both chambers that works out differences in the bills. The conference committee concluded without reaching a suitable compromise. Thus SB 31 will need to be reintroduced in the 2018 Legislative Session.

The KLEFPF Bill SB 31 was sponsored by Senator Danny Carroll (R-Paducah), would have codified the increase in incentive pay amount to \$4,000 for the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) and the Firefighter Foundation Program Fund (FFPF) that was in the 2016 executive branch budget bill. Senate Bill 31 unanimously passed both the Senate and the House of Representatives; however, changes were made in the House to add Fish and

Wildlife (conservation officers) to the list of participants in the KLEFPF. KACP will revisit this initiative.

We fully expect that the Governor will call the legislature back into an extraordinary session before next January to address tax and pension reform. In essence, the break is likely going to be much shorter than usual. In terms of an overall analysis, the session was fairly productive for law enforcement, especially in a short session. In all, it appears that several law enforcement initiatives were approved by the Governor and signed into law. Correction to the anti-spiking law, several bills to address the drug epidemic, some alcohol legislation, code enforcement clarification legislation and criminal justice reform.

In addition, we maintained solid defense against a number of pieces of legislation contrary to law enforcement and public safety that we opposed publically and privately. None of those bills were passed, including SB 7 Universal Concealed Carry and a HB to allow Concealed Carry of Firearms on school grounds. Thank you all for your help in stopping those bills. Your calls and emails did make a noticeable difference in our efforts!

We feel short on our KLEFPF bill but it wasn't for lack of initiative, effort and progressive work in committee and on the floor of the House and Senate by our legislative team. As stated earlier the bill failed because of tactics applied in the House thus allowing House Floor Amendments to be "tacked on" to a Senate bill without the blessings of the Senate bill sponsor and Senate leadership.

We also fell short on our efforts to address CERS separation in a bill that sought to let CERS separate from the Kentucky Retirement System and stand on our own merits. These issues have the potential to be components of the special session or sessions that the Governor is expected to call in the next several months.

KACP will need to start working on our 2018 agenda at our next board meeting in May or June unless a special session is called before that time. In the meantime, we need you to be thinking of issues that need to be considered for the 2018 legislative agenda in preparation for that meeting. Many of the agenda items will likely carry over from this current year.

Thank you all for your support this session. Let me know if you need anything at all or have suggestions for the agenda. A partial list of bills approved this year by the General Assembly include measures on the following topics:

Abortion. Senate Bill 5 prohibits abortions in Kentucky at or after 20 weeks of pregnancy. The prohibition does not apply in cases where an abortion is required to save the life or prevent serious risk of permanent bodily harm to the mother.

Autopsy photos. House Bill 67 will limit distribution of autopsy photos, videos or other autopsy images to law enforcement, attorneys or others with a right to the information. The measure, named Jack's Law, honors a Kentucky child killed in an accident whose autopsy photos were distributed to the media against his parents' wishes.

Bible literacy. HB 128 will allow schools to offer an elective social studies course on the Bible that teaches biblical content, characters, poetry and narratives and their impact on today's world.

Charter schools. HB 520 will allow publicly funded charter schools to operate in Kentucky beginning next school year. Local school boards would be allowed to authorize an unlimited number of the schools, which will be established by contract and governed by independent boards. A local board's decision regarding charter schools could be overridden by the state school board, although the courts could be called on to review the state board's action. Also included are provisions requiring that teachers and administrators hired to work at the charter schools be state-certified and that the mayors of Louisville and Lexington be allowed to authorize charter schools in their cities upon request.

Controlled Substances. HB 158, sponsored by Representative Kimberly Moser (R-Taylor Mill), requires controlled substances scheduled by the federal Controlled Substances Act be placed in the same numerical schedule to correspond to the federal schedule. The bill also allows the Kentucky Cabinet for Health and Family Services to place a substance in a more restrictive numerical schedule than the federal Act by administrative regulation. House Bill 158 unanimously passed both chambers of the Kentucky General Assembly and was signed by the Governor on March 21.

Crimes and punishments. SB 42 Amends KRS 431.005 to permit a peace officer to make an arrest for a violation of KRS 508.030, assault 4th degree, when the violation occurs in a hospital and the officer has probable cause.

Crimes and punishments. SB 120 would help make sure that who leave prison can successfully rejoin society and turn away from crime. The legislation includes improved reentry substance abuse supervision and would remove government licensing restrictions in order to expand job opportunities for those with records.

Driver's licenses. HB 410, known as the REAL ID Bill, will create a voluntary travel ID or enhanced driver's license to board airplanes and enter federal facilities, including military facilities, as of Jan. 1, 2019. The legislation is designed to meet anti-terrorism standards in the federal REAL ID Act passed by Congress in 2005. It also spells out rules for issuing a "standard" driver's license, permit or state personal ID card.

Emergency vehicles. HB 74 will only allow white light to be emitted from motor vehicle (including motorcycle and moped) headlamps, although non-halogen headlamps will be allowed to emit a slight blue tint if they were factory-installed. The intent of the bill is to make it easier for motorists to distinguish emergency vehicles from non-emergency vehicles. Fines will be levied for violations.

Employment of police officers. HB 337, sponsored by Representative Steven Rudy (R-Paducah), requires a law enforcement agency hiring a peace officer before his or her three-year contract with his or her initial agency expires to reimburse the initial agency for the full amount of the agency's incurred costs. This includes costs from the application process, training, equipment, salary and fringe benefits. House Bill 337 was signed by the Governor on March 21.

Fentanyl and other opioids. HB 333 would create strong penalties for trafficking any amount of heroin, fentanyl, carfentanyl and fentanyl derivatives that are destroying Kentucky lives and families. It would also clarify definitions and requirements for the prescription of controlled substances, define prescribing authority within long-term care facilities, and allow the Cabinet for Health and Family Services Office of Inspector General to investigate patterns of prescribing and report irregularities to appropriate authorities.

Hate Crimes. HB 14 will allow an attack on a first responders, such as police, fire fighters and EMTs, to be considered a hate crime. Current state law considers it a hate crime if an attack is based on the victim's race, color, religion, sexual orientation, or national origin.

Hemp. SB 218 is designed to improve the state's industrial hemp production program, first established in 2014. This year marks the Commonwealth's largest industrial hemp crop under the program with more than 12,000 acres approved for production.

Juvenile offenders. Senate Bill 195 will help some juvenile offenders have their criminal records expunged. Currently, children convicted of a misdemeanor must go through a court process to have their records expunged. Senate Bill 195 will create a process for expungement of felony juvenile records two years after the offender reaches adulthood or is released from commitment. However, anyone who has convictions for felony or public offenses in the two years prior to applying for expungement or who has pending charges would not be eligible for expungement.

Playground Safety, Sex Offender Registry. HB 38 will ban registered sex offenders from public playgrounds unless they have advanced written permission to be on site by the local government body (city council, etc.) that oversees the playground.

Right to work. HB 1—the House majority's top priority for this session—makes Kentucky the 27th state nationally to enact right-to-work legislation. It prohibits Kentuckians from being required to join labor unions as a condition of employment.

School calendars. SB 50 will allow school districts to use a "variable student instructional year" that would require the same hours of instruction now required by law but allow for fewer school days than the minimum of 170 days that the law requires. Districts could instead use the variable schedule beginning with the 2018-19 school year if their first day of instruction is on or after the Monday closest to Aug. 26.

Short recap of SB104 / Pension Spiking Bill An act relating to prospective retirement benefits and declaring an emergency. SB 104 Creates a new section of KRS 6.500 to 6.577 to provide that members of the Legislators' Retirement Plan who retire on or after January 1, 2018, shall be limited to a 10% growth in the creditable compensation earned during their last three years of service to the General Assembly or an employer participating in any of the other state-administered retirement systems, if that compensation is used to calculate their retirement benefits; provide that only creditable compensation earned on or after July 1, 2017, shall be subject to the creditable compensation growth limitations; exempt bona fide promotions or salary advancements from the compensation growth limitation; define "bona fide promotion or salary advancements" as a professional advancement in substantially the same line of work held by the member in the four years immediately prior to the three-year period or a change in employment position based upon training, education, or expertise; provide that the Judicial Form Retirement System shall refund contributions and interest on contributions for any reductions in creditable compensation; provide that the Judicial Form Retirement System shall determine what constitutes a bona fide promotion or salary advancement; create a new section of KRS 21.345 to 21.580 to provide that members of the Judicial Retirement Plan who retire on or after January 1, 2018, shall be limited to a 10% annual growth in the creditable compensation earned during their last 60 months of service if that compensation is used to calculate their retirement benefits; provide that only creditable compensation earned on or after July 1, 2017, shall be subject to the creditable compensation growth limitations; exempt bona fide promotions or salary advancements from the compensation growth limitation; define "bona fide promotion or salary advancements" as a professional advancement in substantially the same line of work held by the member in the four years immediately prior to the 60-month period or a change in employment position based upon training, education, or expertise; require the Judicial Form Retirement System to refund contributions and interest on contributions for any reductions in creditable

compensation; provide that the Judicial Form Retirement System shall determine what constitutes a bona fide promotion or salary advancement; amend KRS 61.598 to provide that members of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System *who retire on or after January 1, 2018, shall be limited to a 10% growth in the creditable compensation earned during their last five years of employment if that compensation is used to calculate their retirement benefits; provide that only creditable compensation earned on or after July 1, 2017,* shall be subject to the creditable compensation growth limitations; exempt bona fide promotions or salary advancements, alternative sick leave payments, and lump-sum payments for compensatory time from the compensation growth limitation; exempt from the compensation growth limitation those years of compensation where in the immediately preceding fiscal year the member earned less than 12 months of service credit during the fiscal year, was paid worker's compensation benefits, was on leave without pay for any reason, **earned increases directly attributable to overtime hours worked under a federal grant, grant pass-through, or similar program, or earned increases directly attributable to overtime performed during a state of emergency;** provide that the Kentucky Retirement Systems shall refund employee contributions and interest on contributions for any reductions in creditable compensation provided by this section; provide that the Kentucky Retirement Systems shall determine what constitutes a bona fide promotion or salary advancement and allow the member to appeal a decision of the system to the board; **remove provisions charging employers for creditable compensation growth greater than 10% during the employee's last five years of employment;**

create a new section of KRS 21.345 to 21.580 to permit a member of the Legislators' Retirement Plan or the Judicial Retirement Plan to opt out of the traditional defined benefit plan and elect to participate in the hybrid cash balance plan; provide that, on the member's effective election date, the value of the member's accumulated contributions, less any interest, shall be deposited into the member's hybrid cash balance account and be considered part of the member's accumulated account balance; provide that on the member's effective election date, an employer pay credit shall be applied to the member's accumulated account balance for each contributing month prior to the effective election date; require the Judicial Form Retirement System to provide the electing member with information detailing the consequences of the member's election; provide that a member shall not be eligible to make an election until a private letter ruling by the IRS is received; make the benefit election under this section irrevocable; amend KRS 21.402 to conform;

create a new section of KRS 61.510 to 61.705 to permit a member of the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System to opt out of the traditional defined benefit plan and elect to participate in the hybrid cash balance plan; provide that, on the member's effective election date, the value of the member's accumulated contributions, less any interest, shall be deposited into the member's hybrid cash balance account and be considered part of the member's accumulated account balance; provide that on the member's effective election date, an employer pay credit shall be applied to the member's accumulated account balance for each contributing month prior to the effective election date; require the

Kentucky Retirement Systems to provide the electing member with information detailing the consequences of the member's election; provide that a member shall not be eligible to make an election until a private letter ruling by the IRS is received; make the benefit election under this section irrevocable; amend KRS 6.525, 16.583, 16.645, 61.597 and 78.545 to make technical and conforming amendments; provide for severability among provisions of the Act; EMERGENCY.

AMENDMENTS to SB 104 (As Introduced)

SCS1/AA/LM - Retain original provisions except to review creditable compensation growth in the last five years of employment rather than the last three in the Legislators' Retirement Plan and to not exempt the year of retirement from creditable compensation limits for KERS, CERS, or SPRS; make technical and clerical changes.

Jan 06, 2017 - introduced in Senate

Jan 07, 2017 - to State & Local Government (S)

Feb 08, 2017 - reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 09, 2017 - 2nd reading, to Rules

Feb 13, 2017 - posted for passage in the Regular Orders of the Day for Wednesday, February 15, 2017

Feb 15, 2017 - 3rd reading, passed 37-0 with Committee Substitute

Feb 16, 2017 - received in House

Feb 21, 2017 - to State Government (H)

Mar 01, 2017 - posted in committee

Mar 02, 2017 - reported favorably, 1st reading, to Calendar

Mar 03, 2017 - 2nd reading, to Rules

Mar 06, 2017 - posted for passage in the Regular Orders of the Day for Tuesday, March 7, 2017

Mar 15, 2017 - 3rd reading, passed 72-17; received in Senate; enrolled, signed by President of the Senate; enrolled, signed by Speaker of the House; delivered to Governor

Mar 27, 2017 - signed by Governor

KACP expects Governor Bevin to call a special session later this fall to address complete tax reform and for us, pension reform. KACP will continue to work KLC and KSA and with other stakeholders to ensure separation of the County Employees Retirement System (CERS) is included in the special session. If not in a special session, then a top priority for 2018 along with a clean KLEFPF Bill.

Thank you one and all for your patience, understanding, open minds but more importantly your actions. As we look ahead we need to develop a rapid ability to quickly take traditional positions of support, neutrality or opposition to bills as they are filed. We also need to look at our KACP constitution for the ability to rapidly transition our KACP position as floor amendments change the language of those bills. Our current constitution allowing 48 hours between a motion and a vote is simply inadequate in today's fast moving and evolving information age. An amendment to our KACP constitution is something we should consider before the 2018 legislative session.

This years success of the KACP legislative team is in large part because of our members and the efforts they took. It is vital that you reach out to your legislators and stay in contact with them throughout the interim.

Respectfully submitted,

Chief Wayne Turner and Mr. Pat Crowley

A handwritten signature in cursive script that reads "Wayne Turner".

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