



# Weekly Legislative Report

## **KENTUCKY GENERAL ASSEMBLY 2022 LEGISLATIVE SESSION BEGAN JAN. 4: KACP LEGISLATIVE AGENDA**

This is the initial KACP legislative report of the Kentucky General Assembly 2022 legislative session in Frankfort, which began on Tuesday, Jan. 4 at noon, KACP will – as always – monitor and report on bills that KACP is supporting, opposing and tracking.

### ***REDISTRICTING***

The House and Senate passed redistricting bills Saturday. The General Assembly rarely meets on Saturday, but leadership of both chambers wanted to pass the bills as soon as possible so the legislature could focus on other issues and legislation.

In addition to passing the redistricting legislation, lawmakers also passed a bill moving the filing 2022 election filing deadline from Friday, Jan. 7, to Jan. 25.

### ***BUDGET – PROPOSED KLEFPF INCREASE***

Gov. Andy Beshear is scheduled to deliver his two-year budget address to a joint General Assembly session the evening of Thursday, Jan. 13.

On Friday – in an unprecedented move - House Budget Committee Chairman Jason Petrie filed the House's two-year, \$28 billion spending plan, which includes a \$300 increase to the \$4,000 KLEFPF training stipend. In year's past, the legislature has waited until the governor announced a budget. But this year, the House beat him to the punch.

Once the House passes its version of the budget bills, the Senate will take up the bill.

KACP's legislative team met in December with Sen. Chris McDaniel, the Senate budget committee chairman, to discuss using an increase in the training stipend, a COLA adjustment added annually to KLEFPF or a combination of both as recruiting and retention tools.

KACP will continue to regularly meet with Sen. McDaniel to monitor those efforts.

### ***LEGISLATION KACP SPONSORING, SUPPORTING***

#### ***RECRUITMENT, RETENTION***

In addition to following legislation and filing weekly reports to KACP members, KACP's legislative team will be working on several pieces of legislation and initiatives that are designed to improve law enforcement's ability to recruit and retain officers.

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These efforts include:

## **The Drop Program**

Kentucky is facing a critical time in recruiting, hiring and retaining law enforcement officers. Enacting a DROP program through the passage of legislation could provide a tremendous boost to attracting and keeping good cops in Kentucky.

DROP programs have been in existence since the 1990s and are used by several municipalities and states, including Ohio, which as of October 2019 had a 90 percent participation rate of those eligible for the program.

Since the DROP program is a new concept in Kentucky, it may not receive consideration during the current legislative session. It is not unusual for a new piece of complex legislation - and most legislation dealing with pensions is considered complex by Frankfort standards - to go through a vetting process that includes more than one legislative session. If you recall, legislation codifying the KLEFPF increase into law took three sessions before it was passed.

KACP will be introducing the program to legislators, state pension officials and others over the next several months and will ultimately appear before the Public Pension Oversight Board later this year. We may also seek a legislative committee hearing for information only during the current session.

Here are just a few quick facts about the program.

### Cost

The DROP program would be cost neutral to the retirement system. Here's how.

- A member of the Kentucky Public Pensions Authority (KPPA) who has obtained full retirement eligibility could participate in the DROP program.
- The member's retirement will be calculated, and the payment would be deposited into a separate, tax-deferred account, with monthly earning interest (minimum 2.5%- maximum 5%).
- The member would remain in their current position collecting their regular salary and the employee and the employer would continue to make their regular pension contributions, so money would continue to flow into the retirement system, making the program cost neutral.

### Example

- A KPPA member enters the DROP program.
- The member had a high three salary of \$50,000 at 20 years of service.
- Under that scenario, the member's monthly retirement benefit would be \$2,083 a month, or \$25,000 a year.
- After joining the DROP program, the member's monthly \$2,083 benefit would be placed into a separate account until the member officially retires.
- If, for instance, the member stays on the job for an additional five years he or she would accumulate \$125,000 plus interest. When they retire, they collect their \$125,000 and their \$2,083 a month.

KACP has met with Senate Floor Leader Damon Thayer, R-Georgetown, Senate budget committee Chairman Chris McDaniel, R-Taylor Mill, and other rank and file members to introduce and explain the DROP program. KACP is currently working with the Kentucky League of Cities (KLC) on an overall approach to eventual enactment of the bill.

The FOP and Ky Sheriff's Association (KSA) are also in support of the program.

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Thanks to Covington Police Chief Rob Nader for helping lead these efforts.

### **Virtual training**

For months, KACP has been working with Rep. Kim Moser, R-Taylor Mill, and KLC on legislation that would increase the number of training classes that DOCJT offers. KACP believes that modernized virtual training will help retention and recruitment by eliminating the need for officers to regularly travel to Richmond for training. It will also save cities money and appeal to younger officers who have been raised on computers.

KACP has met several times with officials from the DOCJT and the Justice and Public Safety Cabinet. While all sides agree that some level of virtual training should be increased, there is still some disagreement over how to implement those changes and the number of type of classes that would be offered virtually.

KACP will continue working with Rep. Moser and KLC on the legislation.

### **Amendments to KRS [70.290](#)**

Another way to retain officer is to increase the amount of time a law enforcement officer must spend with a department before being able to move on. Too many officers are being hired by a department, going through training – which must be paid by cities and counties – and then leaving the department for a higher-paying job in another community or state.

KACP is working on legislation that would increase the mandated time an officer must spend with a department from three to five years as outlined in KRS [70.290](#). We also are asking for changes that would put Public University law enforcement departments and state agencies under the same rules as cities and counties.

### **COVID bonus pay**

Since 2022 is a session in which the legislature enacts a two-year budget, and with the state sitting on a projected \$2 billion surplus, there has been talk from Gov. Beshear and some legislators about offering a COVID bonus to front-line workers and first-responders. If those discussions advance, KACP will work to ensure that law enforcement is included in the bonus payout.

### **[HB56](#) First responder COVID-19 death benefits**

Sponsored Rep. Thomas Huff, R-Shepherdsville, the bill which would be retroactive, would amend the current statute on death benefits to include COVID-19 on the list of illnesses that can qualify a deceased first responder's family – including the families of law enforcement – for death benefits of \$80,000.

### **[HB71](#) Cost of care**

Sponsored by Kim Banta, R-Fort Mitchell, Rep. Cherlynn Stevenson, D-Lexington, the bill would a pet owner responsible for the cost of care – including vet bills and boarding the animals – when animals are seized from a situation featuring fighting, hoarding or other forms of neglect. This saves cities and counties the cost of caring for the seized animals.

### **Mental health transport**

For years law enforcement has struggled with being compensated and supported for transporting suspects or individuals suffering mental health episodes to hospitals or mental health facilities. KACP is working with KSA on a legislative remedy to this confounding problem.

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### **SB63, Personal information**

Filed by Sen. Danny Carroll, R-Benton, would exempt records revealing a law enforcement officers address from Open Records requests; would also allow officers to request that their personally identifiable information be designated as confidential and not publicly posted.

### **HB141, Income tax exclusion for police officers**

Filed by Rep. Ryan Dotson, R-Winchester, the bill would exclude law enforcement officers from paying state income tax.

### ***LEGISLATION KACP OPPOSES***

### **HB154, DUI blood tests**

Filed by Rep. Patrick Flannery, the bill would remove the penalty enhancement for refusal of a blood test.

### **HB155, Certifying constables**

Filed by Rep. Ryan Dotson, R-Winchester, Rep. Bill Wesley, R-Ravenna, the bill would establish program – paid for by KLEFPF – for certifying and training constables.

### ***LEGISLATION KACP TRACKING/MONITORING***

### **HB29, Firearms legislation,**

Filed by Rep. Josh Bray, R-Mt. Vernon, the bill prohibits the enforcement of a federal ban or regulation of firearms.

### **HB63, School Resource Officers (SROs)**

Filed by Rep. Kevin Bratcher, R-Louisville, the bill would require the assignment of SROs to schools by Aug. 1, 2022

### **HB122, Concealed carry**

Filed by Rep. Savannah Maddox, R-Dry Ridge, the bill would lower the age requirement for carrying a concealed weapon from 21 to 18

### **HB124, Concealed carry/public buildings**

Filed Rep. Savannah Maddox, R-Dry Ridge, the bill would prevent postsecondary education facilities, local governments and units of state government from prohibiting the carrying of concealed deadly weapons.

### **HB158, Firearms**

Filed by Rep. Savannah Maddox, R-Dry Ridge, the bill would prohibit law enforcement from enforcing of any federal law that does not exist under the laws of Kentucky and limited firearms ownership.

### **HB206, Law enforcement officer certification**

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Filed by Rep. Rachel Roberts, R-Newport, the bill would prohibit anyone who has been convicted of various misdemeanor offenses from being certified as a police officer. Note - many of the provisions in this bill were included in SB80, which was passed and signed into law last year.

### **HB236, Hate crimes**

Filed by Rep. Nima Kulkarni, D-Louisville, the bill would define hate crimes and require law enforcement agencies to possess a written policy and procedures related to hate crimes.

### **Distracted driving**, Rep James Tipton, R-Taylorsville

Rep. Tipton has indicated he plans to file a bill that would allow the hands-free use of a personal communications device while driving. The legislation would make it illegal for a driver to use their hands to operate a personal communications device, such as a mobile phone, text messaging device, stand-alone computer, a GPS system, a personal digital assistant or any device capable of displaying a video, movie or visual image.

### **LEGISLATIVE CALENDAR**

The session is scheduled to last 60 days, the maximum allowed under the state constitution in even-numbered years.

Jan. 4 - Session begins

Jan. 13 - Governor's Budget Address

Jan. 17 – No session in observance of Martin Luther King, Jr. Day

Feb. 21 – No session on observance of Presidents' Day

Feb. 25 - Last day to introduce House bills

March 1 - Last day to introduce Senate bills

March 31 to April 12 – 10-day veto recess

April 13 and 14 – Final two days of session

Click [here](#) to see the 2022 session calendar

### **FOR MORE INFO**

As always, questions, suggestions, comments or concerns can be directed to Executive Director Shawn Butler, who can be reached at 859-743-2920 or [sbutler@kypolicechiefs.org](mailto:sbutler@kypolicechiefs.org) or KACP lobbyist Patrick Crowley, who can be reached at 859-462-4245 or [pcrowley@strategicadvisersllc.com](mailto:pcrowley@strategicadvisersllc.com)