

# **KY SENATE GOP PRIORITY BILLS SIGNED INTO LAW**

*2017 Regular Session – Kentucky General Assembly*

## **Index of Bills:**

### **SENATE BILL 1 – Education Reform**

- Known as the “Let Teachers Teach” bill, SB 1 sets out comprehensive education reform that will effectively repeal Common Core standards while giving power back to local school districts and teachers.

### **SENATE BILL 2 – Pension Transparency**

- Increases transparency within the public pension system and adds more members to the Public Pension Oversight Board.

### **SENATE BILL 3 – Legislative Pension Transparency**

- Requires the disclosure of the retirement benefit information of current and former members of the Kentucky General Assembly.

### **SENATE BILL 4 – Medical Review Panels**

- Establishes medical review panels that will ultimately cut back on the number of frivolous lawsuits in our state and save taxpayer dollars.

### **SENATE BILL 5 – 20-week Abortion Ban**

- A pro-life measure known as the “Pain Capable Unborn Child Act,” prohibits abortions after 20 weeks gestation, except in medical emergency cases.

### **SENATE BILL 6 – Paycheck Protection**

- Keeps union employees’ paychecks from being used for political purposes without their expressed consent.

### **SENATE BILL 8 – Defund Planned Parenthood**

- Defunds Planned Parenthood by prohibiting the use of state and local funds for abortions. It establishes a funding priority mechanism for the use of federal funds that places state, county, and local community health clinics first in line.

### **SENATE BILL 17 – Student Religious Expression**

- Known as the “Charlie Brown Law,” preserves students’ rights to political and religious speech in schools. The legislation was inspired, in part, by an incident in which a Kentucky county school removed the scripture verse from their “Charlie Brown Christmas” play due to the threat of a lawsuit. Courts have consistently held, however, that schools have the ability to sponsor and host religious and historical programs.

### **SENATE BILL 120 – Criminal Justice Reform**

- Helps integrate ex-convicts back into the workforce. It would not apply to those who have violent offenses or who have committed sex crimes, among other exceptions.

### **SENATE BILL 153 – Performance Based Funding**

- Aligns state university funding with the state’s postsecondary education goals by basing funding on how well schools are helping students and the state reach those goals. This new model would be phased in over four years to provide stability to postsecondary schools as they move to this new formula.

### **HOUSE BILL 1 – Right to Work**

- Prevents employees from being forced to unionize as a condition of employment. Kentuckians have the constitutional right to unionize, and they should have the constitutional right to choose not to unionize. Passing Right-to-Work has already attracted a number of businesses to Kentucky this year.

### **HOUSE BILL 2 – Ultrasound/Informed Consent**

- Pro-life legislation that requires physicians to provide an ultrasound prior to an abortion, ensures providers offer as much information as possible to women considering an abortion. This measure does allow a woman to opt out of viewing the ultrasound or hearing the heartbeat.

### **HOUSE BILL 3 – Repealing of Prevailing Wage**

- Repeals the prevailing wage. Prevailing wage drives up the cost of state government operations as taxpayer-funded projects are completed at inflated rates. The prevailing wage was an irresponsible use of taxpayer money. It is time to let the market decide rates.

#### **HOUSE BILL 14 – “Blue Lives Matter”**

- Makes it a hate crime to violently target law enforcement officials and first responders.

#### **HOUSE BILL 520 – Charter Schools**

- Allows for public charter schools. After eight years of passing charter policy through the Kentucky Senate only to watch it die in the House, our Commonwealth became the 44th state to offer charters as a publicly funded option for educating our children.
- We built in many protections in our model to prevent charters from selectively enrolling students in ways that do not benefit the school district as a whole.
- Our model requires that only Kentucky-certified teachers with the same credentials as current educators can be used for student instruction. Public charter schools must follow the same health, safety, civil rights, and disability rights requirements that are applied to all public schools. In addition, a Kentucky public charter can adopt any and all of the regulations of current schools if they wish.

#### **HOUSE BILL 471 – Charter Schools Funding**

- Addresses funding for charters. School districts currently use an allocation model that promotes educational equalization, equity, and adequacy based on the needs of its schools. For charter funding, a similar allocation model distributes a proportionate student allotment to the charter school based on the same factors. No siphoning away of public school funds occurs as money follows the students to whichever public school they choose to attend.

### **SENATE BILL 1 – ESSA Implementation (Sen. Wilson)**

- *See attached PDF titled “2017 SB1 Overview 1-27-17.pdf”*

### **SENATE BILL 2 – Pension Transparency (Sponsored by Sen. Bowen)**

- Clarifies board appointments & Senate confirmation for public system retirement board members (Judicial Form Retirement System, Kentucky Retirement Systems, Kentucky Teachers’ Retirement Systems)
- Increases the membership of the Public Pension Oversight Board
- Requires public retirement systems to publicly post financial information online
  - Some contracts that would create a competitive disadvantage would not have to be publicly posted but still be released to the trustees, the State Auditor, and the LRC Govt. Contract Review Committee, subject to the redaction of otherwise exempted material;
- Caps reimbursement rate for legal services at the Government Contract Review Committee
- Requires annual reporting of the percentage of system assets being reported by external managers and partnerships

### **SENATE BILL 3 – Legislative Pension Transparency (Sen. McDaniel)**

- Amends statutes to require the disclosure, upon request, of the retirement benefit information of current & former members of the General Assembly.

- This information includes the name, status, & projected or actual retirement payments/benefits from KRS, KTRS, Legislators' Retirement Plan, & the Judicial Retirement Plan.
- Does NOT reveal private information such as social security number, address, etc.

#### **SENATE BILL 4 – Medical Review Panels (Sen. Alvarado)**

- Establishes medical review panels to review malpractice complaints against health care providers.
- All complaints must be reviewed by the panel which in turn provides an opinion. Only by agreement of all parties may a complaint bypass a panel & proceed directly to a court of law.
- Panel consists of an attorney who also acts as chairperson & three health care providers.
- The panel's opinion shall state one of three possible outcomes:
  - Failure to comply with appropriate standards & the conduct was a substantial factor in producing a negative outcome for the patient;
  - Failure to comply with appropriate standards & the conduct was NOT a substantial factor in producing a negative outcome for the patient; and
  - Evidence does not support the conclusion that there was a failure to meet the applicable standard of care.
- The admissibility of the panel's opinion in a subsequent lawsuit is dependent on the weight & admissibility of the evidence produced during pretrial discovery.

#### **SENATE BILL 5 – 20-week Abortion Ban (Sen. Smith)**

- Prohibits the performance or attempted performance of an abortion on an unborn child of 20 weeks gestation or more.
- It establishes an affirmative defense if in the physician's reasonable medical judgement that
  - The probable gestation is less than 20 weeks,
  - The abortion is necessary to prevent the death or serious physical injury to the mother, but does not allow abortions based on the mental health of the mother.

- Under KRS 403.322 parental rights of a convicted rapist are terminated. This includes property and inheritance rights. This provision was the result of legislation sponsored in 2014 by Sen Sara Beth Gregory. The cause of action created by SB5 would be covered by this. The argument that a rapist could ultimately benefit financially from the actions of a provider that violated the 20 week ban is both absurd and a red herring.

#### **SENATE BILL 6 – Paycheck Protection (Sen. Stivers)**

- Prohibits an employee from being enrolled as a member of a labor organization unless the employee has affirmatively requested membership in writing, & no earnings shall be withheld for union dues unless the employee consents in writing.
- Requires that labor organization expenditures for political activities only be made out of a separate, segregated political fund that does not use union dues or any other fees of membership.
- Union fees shall be used for collective bargaining & administrative activities, and political expenditures shall be made from monies raised for political purposes.
- Contributions to the political fund shall be solicited independently from any other solicitation by the labor organization.
- Requires that a labor organization maintain financial records of political expenditures in the same manner as required of unions in the federal Labor-Management Reporting and Disclosure Act of 1959.
- This federal law, administered by the federal Department of Labor, requires the reporting and disclosure of certain financial transactions & administrative practices of labor unions & employers. Financial records shall be kept in a searchable electronic format by the union and provided to every employee it represents.

- Bill doesn't apply to any agreement between employers & employees or labor organizations entered before the effective date of the act.

### **SENATE BILL 8 – Defund Planned Parenthood (Sen. Wise)**

- Amend KRS 311.715 relating to funding prohibitions to prohibit state & local funds from being used, granted, paid, or distributed to an entity, organization, or individual that provides abortion services;
  - Would prohibit any non-Medicaid state tax dollars from funding the organization Planned Parenthood, a national group which routinely conducts abortions and recently was accused of selling fetal organs for profit.
- Establishes a funding priority for the distribution of federal funds that places state, county, & local community health clinics & federally qualified health centers first.

### **SENATE BILL 10 – Telecomm Deregulation (Sen. Hornback)**

- SB 10 removes the Public Service Commission oversight of retail phone services where telephone exchanges have 15,000 or fewer housing units.
- Essentially completes deregulation of telecommunications by the PSC begun in the 2015 Session - 2015 HB 152.

### **SENATE BILL 17 – Student Religious Expression (Sen. Robinson)**

- Enumerate rights of students to express religious or political viewpoints in school. This includes, homework, artwork, & religious messages on items of clothing.
- Enumerate rights of religious student groups to access school facilities during non-instructional times the same way nonreligious student organizations are permitted to do, & to use school media to announce such meetings.
- Enumerate rights of student speakers at public events to not have religious & political viewpoints censored.



- Enumerate rights to perform artistic & theatrical works that advance students' knowledge of the society's cultural & religious heritage, & to participate in the secular study of the role of religion in history.
- Enumerate rights of religious student groups to run their clubs according to their religious beliefs.
- Allows students to exercise their freedom of speech on college campuses, especially in the outdoor areas of campus.

#### **SENATE BILL 153 – Performance Based Funding (Sen. Givens)**

- Establishes a comprehensive funding model capable of distributing any proportion, up to 100%, of public postsecondary institutions' base funding.
- The distribution of allocable funding shall be based on student success, course completion, institutional support, academic support, & maintenance/operations.
- Direct the CPE to implement the funding model; include hold-harmless & stop-loss provisions in the formulas through 2021.
- Require the CPE to establish a working group to review the model every three years.
- Direct the Office of the State Budget Director to distribute the funds as determined by the model, including the performance funds appropriated in the 2016 budget bill.
- Establish the Postsecondary Education Performance Fund for distribution of the funds allocated through the model.

#### **HOUSE BILL 1 – Right to Work (Rep. Hoover)**

- Right to Work (RTW) was not an anti-union vote, but a pro-worker freedom vote.



- Kentuckians should not be forced to unionize as a condition of employment.
- Kentuckians have the constitutional right to unionize, and they should have the constitutional right to choose not to unionize as well.
- RTW is a tool to grow jobs in Kentucky – when there are no jobs, like many places in KY, there are no wages period.
- HB1 was a pro-freedom vote.

### **HOUSE BILL 2 – Ultrasound/Informed Consent (Rep. Hoover)**

- HB 2 is a requirement for physicians to provide an ultrasound prior to an abortion procedure.
- HB 2 will provide more information to make a truly informed medical decision.
  - By providing an explanation of what the ultrasound is depicting
  - By displaying the ultrasound images so the pregnant woman may view them
  - The physician must also provide a medical description of the ultrasound images
  - HB 2 does allow a woman to opt out of viewing the ultrasound or hearing the heartbeat, or both.

### **HOUSE BILL 3 – Repealing of Prevailing Wage (Rep. Hoover)**

- Prevailing wage sets an artificial wage rate.
- For years, our government has run rampant with taxpayer dollars at the expense of hard working Kentuckians.
- In no other industry are prices protected like public works projects, through prevailing wage.
- Prevailing wage drives up the cost of state government operation as taxpayer funded projects are forced to pay an artificial, inflated rate.
- The free market is very effective at sorting out wages and price points, and taxpayer funded projects should be no exception to those free market principles.
- Kentuckians deserve better than the wasteful spending that has occurred under prevailing wage law; they deserve government stewards of their

dollars that will spend them as wisely as possible to get the most for their hard earned buck.