2019 | GLI ADVOCACY

LEGISLATIVE OUTCOMES
Lessons Learned From A Session Of Wins & Missed Opportunities

After two historically successful back-to-back sessions in Frankfort, the pace of forward progress slowed slightly in 2019. This year’s session turned out to be marked not only by wins for our economy but missed opportunities as well. Nonetheless, GLI succeeded in working with the General Assembly to pass several impactful bills in the final days of session that will allow Greater Louisville to continue building on the economic momentum of the past few years.

A major workforce development measure was Senate Bill 57 (Senator Jimmy Higdon), which expands access to expungement and removes a harmful barrier to employment for thousands of Kentuckians. GLI has been a long-time champion of expungement and has actively worked to increase eligibility and access ever since championing legislation in 2016 to allow for the expungement of Class D felony offenses. Another key workforce bill was Senate Bill 18 (Senator Alice Forgy-Kerr), which supports women in the workforce and protects employers from litigation by clarifying in state law what constitutes reasonable accommodations for pregnant workers. Both of these bills will go a long way in helping to address our region’s chronic workforce and employment challenges.

On the education side of things, GLI played a pivotal role in securing passage of Senate Bill 250 (Senate Majority Caucus Chair Julie Raque Adams). This bill marks a first step in giving JCPS leaders the tools and flexibility they need to deliver for students in Jefferson County. Another major education bill was Senate Bill 1 (Senator Max Wise), which brought lawmakers from both sides of the aisle together to pass a comprehensive school safety plan. This legislation puts Kentucky at the forefront of ensuring students are able to learn in a safe and secure environment.

There were also wins for the business community beyond education and workforce development. Senate Bill 100 (Senator Brandon Smith) modernizes Kentucky’s net-metering laws and will help to protect the Commonwealth’s competitive edge when it comes to affordable energy. Senate Bill 7 (Senate President Robert Stivers) restores Kentucky’s employer-employee arbitration law, which was hastily invalidated by a state Supreme Court decision last Fall. Thanks to Senate Bill 7, Kentucky is no longer the only state in the country to prohibit employers from conditioning employment upon agreements to arbitrate disputes. House Bill 354, in conjunction with House Bill 458, (Representative Steven Rudy) enacted several business-friendly tax-reform measures. These two bills will help regions like Greater Louisville retain and attract banks by phasing out the bank franchise tax and replacing it with the corporate income tax and supports nonprofits by no longer requiring them to collect sales taxes on admissions to events and most fundraising sales.

While the General Assembly rightly deserves praise for getting these bills across the finish line in 2019, there were also many pro-growth bills left on the table. House Bill 517 (Representative Sal Santoro) would have provided our state with the funding it needs to rebuild our crumbling infrastructure. House Bill 175 (Representative Adam Koenig) would have provided new business opportunities and helped pay down our crushing pension debt by legalizing sports wagering. There were also opportunities to overhaul Kentucky’s unemployment insurance system, take serious strides to reduce smoking rates, enact a scholarship tax-credit program, remove administrative burdens for charitable organizations and contractors, and improve our legal liability climate. In addition, action is still sorely needed to address our public pension crisis, the disastrous effects of which are being realized now more than ever in communities like Greater Louisville.

The story on the other side of the river is similar in many ways. GLI succeeded in passing one of its biggest bi-state priorities: the Nurse Licensure Compact. House Bill 1344 (Representative Ed Clere) will help address a nursing shortage throughout our region and removes an administrative burden for providers and regional employers. Other bi-state priorities, however, such as lowering the smoking age and removing special employment protections for smokers failed to move forward.

There is much for the business community to celebrate from the 2019 sessions in Kentucky and Indiana, but also much to be learned. The central takeaway is that the business community must increase its engagement in the legislative process.

- GLI President & CEO Kent Oyler

“There is much for the business community to celebrate from the 2019 sessions in Kentucky and Indiana, but also much to be learned. The central takeaway is that the business community must increase its engagement in the legislative process.”

GLI President & CEO Kent Oyler testifying in Frankfort in support of legislation to help small businesses.

- Kent Oyler
  President & CEO, Greater Louisville Inc
Key GLI Wins in 2019

**Employer-Employee Arbitration Agreements:** Senate Bill 7 (Senator President Robert Stivers) clarifies in state law the ability of employers to condition employment on an agreement to arbitrate disputes. As a result of an overly-broad state Supreme Court ruling late last year, Kentucky became the only state in the nation to limit the use of employer-employee arbitration agreements, which put our region at a competitive disadvantage. Senate Bill 7 fixes this problem and brings the Commonwealth back into alignment with the rest of the nation.

“Thanks to the dedication and focus of organizations like GLI, Kentucky is no longer the odd-man-out when it comes to employer-employee arbitration agreements. Senate Bill 7 brings the Commonwealth back into alignment with the rest of the country and keeps us competitive.”

– Representative Jason Nemes

**Support for Pregnant Workers:** Senate Bill 18 (Senator Alice Forgy Kerr) clarifies in state statute employers’ obligations when it comes to providing reasonable accommodations for pregnant workers. With one of the lowest female workforce participation rates in the nation, this legislation can help support working women while also providing valuable guidance for employers.

“Ensuring that pregnant workers get the support they need was one of Metro United Way’s top advocacy priorities for 2019. Hats off to GLI for their hard work on getting Senate Bill 18 across the finish line.”

– Theresa Reno-Weber, President & CEO of Metro United Way

**Increased Access to Expungement:** Senate Bill 57 (Senator Jimmy Higdon) removes barriers to workforce participation by increasing eligibility for Class D felony expungement and lowering application costs. Since 2016, more than 3,000 Kentuckians have had their records expunged and are now in positions to join the workforce. This legislation opens the door for thousands more Kentuckians to seek new employment and career opportunities.

“Senate Bill 57 is all about jobs. Thanks to this legislation, many more Kentuckians will now be able to seek out employment and start new careers. GLI has been a strong proponent of expungement legislation and was an important champion for this bill.”

– Senator Jimmy Higdon

**Net-metering Modernization:** Senate Bill 100 (Senator Brandon Smith) will help keep Kentucky energy prices affordable and competitive by providing for a much-needed modernization of Kentucky’s net-metering laws. This legislation will give the Public Service Commission the ability to determine a fair compensation rate and cost-sharing mechanism for net-metered customers.

“SB 250 puts JCPS in the best position to deliver the most important result: Providing every student with the education they need to get a head start in the 21st Century economy.”

– Derek Bland, Vice President of New Business Development, HJI Supply Chain Solutions

**Empowering JCPS:** Senate Bill 250 (Senate Majority Caucus Chair Julie Raque Adams) represents a meaningful first step in empowering JCPS leadership with the flexibility they need to fully deliver for students in Jefferson County. Changes to state statute, such as giving the superintendent more authority to hire principals and more control over central office staff, will allow JCPS leaders to more effectively govern the largest school district in Kentucky.
SB 1 (Senator Max Wise)
Comprehensive plan to keep our students safe, including more mental health counselors in schools

SB 8 (Senator Steve West)
Professionalization of Kentucky’s teacher tribunal system to ensure the most effective teachers are in the classroom

SB 22 (Senator Ralph Alvarado)
Admits Kentucky into the Medical Licensure Compact to increase flexibility for medical professionals and expand access to care

SB 98 (Senate Majority Whip Mike Wilson)
Codifies into state statute the Kentucky Work Ready Scholarship to help maximize resources in support of workforce training

SB 139 (Representative Jim DuPlessis)
Encourages financial literacy through the establishment of the Financial Empowerment Commission

HB 11 (Representative Kim Moser)
Limits smoking on school properties, an important tool to help support healthier regional outcomes

HB 61 (Representative Kim Moser)
Allows KEES funding to support workforce training to encourage more workforce development opportunities

HB 69 (Representative Jerry Miller)
Gives local governments more flexibility to manage investments to better manage taxpayer dollars

HB 135 (Representative Phillip Pratt)
Increases competition among businesses for public works contracts and saves taxpayer dollars

HB 139 (Representative Jim DuPlessis)
Encourages financial literacy through the establishment of the Financial Empowerment Commission

HB 299 (Representative Jason Petrie)
Encourages more workforce training for prison inmates to support a talent pipeline and reduce recidivism

HB 429 (House Majority Whip Chad McCoy)
Deters frivolous litigation by requiring certificates of merit in medical malpractice lawsuits—another tool in the toolbox for long-term care providers

HB 453 (House Speaker David Osborne)
Improves Kentucky’s business competitiveness by increasing flexibility for nonprofits in structuring their organizations

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201 KAR 2:370 (Board of Pharmacy)
Allows for innovative new technologies in long-term care facilities to ensure regions like Greater Louisville are able to respond to demographic change

Tax Policy Wins in House Bill 354 and House Bill 458 (Representative Steven Rudy)
• Tax relief for nonprofits to ensure these organizations can continue having a positive impact on our region
• Phases out the Bank Franchise Tax and replaces it with the corporate income tax to help retain Kentucky banks and grow jobs
• Small business expensing to help these businesses invest and expand
• Clarification on the taxation of business-to-business transactions to keep costs affordable and prevent double taxation
• Pro-business improvements to Kentucky’s combined reporting rules

Blocked Anti-business Legislation
SB 51 (Senator Reggie Thomas)
Wage mandates on employers that drive up costs and reduce jobs

HB 14 (Representative Mary Lou Marzian)
HB 17 (Representative Attica Scott)
Limits school choice in Kentucky by prohibiting charter schools

HB 38 (Representative Lynn Bechler)
HB 160 (Representative Jason Petrie)
Creates misperceptions of Kentucky as unwelcoming, which harms tourism and talent attraction

HB 213 (Representative Mary Lou Marzian)
Drives up energy costs by imposing mandates on businesses

HB 261 (Representative McKenzie Cantrell)
Discourages business attraction and expansion in Kentucky by repealing Right-to-Work

More Wins For Business

NURSE LICENSURE COMPACT

House Bill 1344
(IN Representative Ed Clere): In 2019, GLI achieved one of its biggest bi-state priorities with passage of legislation admitting Indiana into the Nurse Licensure Compact. The NLC allows nurses to practice in participating states without having to obtain multiple licenses. Because Kentucky is already a member of the NLC, nurses in the Greater Louisville region will be able to work on both sides of the Ohio River, thereby removing an administrative burden for regional providers and increasing access to high-quality health care. Special thanks to Representative Ed Clere and Senator Andy Zay (companion bill, Senate Bill 436) for their hard work on this important legislation.

Bi-State Wins in Indianapolis

GLI Director of Government & Public Policy Iris Wilbur testifying in support of Nurse Licensure Compact legislation in Indianapolis
$1.4 Billion Worth Of Missed Opportunities For Greater Louisville In 2019

Economic Impact Ledger

<table>
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<tr>
<th>Economic Impact</th>
<th>Amount</th>
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<td>Tort Reform:</td>
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<td>Reduced Smoking:</td>
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<td>Expanded Gaming:</td>
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<td>Sports Wagering:</td>
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<td>Infrastructure Funding:</td>
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$1.463 BILLION IN MISSED OPPORTUNITIES

**Tort Reform**: Senate Bill 11 (Senator Ralph Alvarado) and House Bill 225 (Representative Kim Moser) offered legislators two different approaches to improving Kentucky’s legal liability climate, which studies have determined to be one of the worst in the nation. If Kentucky could cut the amount of costs and compensation paid into the tort system by 50 percent, it could save individuals and employers more than $2 billion per year throughout the state and $500 million for Greater Louisville.

**Anti-Smoking Measures**: Though passage of smoke-free schools legislation (House Bill 11) by the Kentucky General Assembly marked an important step in the right direction, lawmakers in Kentucky and Indiana had several other opportunities to reduce smoking rates, including Senate Bill 33 (Senator John Schickel), Senate Bill 249 (Senator Stephen Meredith), House Bill 1551 (IN Representative Mike Aylesworth), and Senate Bill 425 (IN Senator Randall Head). Smokers add $921 million in additional expenses for Greater Louisville employers. If Kentucky brought down its smoking rate from the second highest in the nation (24 percent) to the national average (14 percent), Greater Louisville employers could see cost reductions by as much as $383 million per year.

**Expanded Gaming**: Legislation such as Senate Bill 105 (Senator Minority Floor Leader Morgan McGarvey) and House Bill 348 (Representative Al Gentry) would finally have allowed for expanded gaming in the Commonwealth. Past studies have estimated the economic impact of expanded gaming in Kentucky to be as high as $1.7 billion—$425 million in Greater Louisville alone—and revenues as much as $450 million per year, much of which could help pay down Kentucky’s crushing public pension obligations.

**Sports Wagering**: Many states will be authorizing sports wagering in 2019 but Kentucky will not be one of them. House Bill 175 (Representative Adam Koenig) would have authorized sports wagering and dedicated revenues to pensions. This legislation could have brought as many as 360 new jobs to Greater Louisville, had an economic impact of more than $30 million on our regional economy, and raised between $20 and $50 million in new revenues for pensions.

**Bail Reform**: House Bill 94 (Representative John Blanton) proposed major reforms to Kentucky’s monetary bail system to lower incarceration rates and keep more Kentuckians in the workforce. In 2016, more than 60,000 non-violent, non-sexual defendants in Kentucky were detained because they could not afford bail. Every day these individuals are detained, they become more likely to commit a crime upon release and be removed from the workforce. Kentucky needs to do everything it can to keep Kentuckians in the workforce and out of prison and jail.

**Infrastructure Funding**: To rebuild our crumbling infrastructure and prepare for future growth, Kentucky sorely needs increased revenue for infrastructure and transportation. House Bill 517 (Representative Sal Santoro) would have provided close to $500 million in new revenues to address the Commonwealth’s growing backlog of road projects and infrastructure needs.

MORE MISSED OPPORTUNITIES

**SB 147** (Senator Chris McDaniel) would have reduced an administrative burden for contractors and nonprofits by allowing contractors to use their customers’ tax-exempt certificates to purchase materials for construction projects.

**HB 205** (House Majority Floor Leader Bam Carney) and **Senate Bill 118** (Senator Ralph Alvarado) would have increased the educational options for students across Kentucky regardless of their family’s financial means by creating a tuition tax credit program.

**HB 333** and **HB 391** (Representative Russell Webber) would have created tax incentive programs aimed at helping employers attract and retain high-skill workers in high-need industry sectors.

**HB 387** (Representative Jason Petrie), as originally filed, would have established privacy protections for current and prospective employers in Kentucky.
The votes in this record reveal how members of the Louisville Metro Caucus voted on bills that GLI supported or opposed during the 2019 General Assembly. The voting record includes bills that received a full vote before the entire House and/or Senate. The contents of a bill may be drastically altered during the legislative process. Unless otherwise noted, the legislation referenced in the voting record is based on the final version of the bill receiving a vote. This may include concurrence votes. Vote modifications are included. Only counties within the Greater Louisville region are listed. Legislators may represent counties beyond those listed here.
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### KEY

- ● = Yes
- X = No
- + = Sponsor
- NV = No Vote

### Map Of Counties Served by Greater Louisville Inc.
on Page 8

Legislators may also represent counties not listed here.
PUBLIC POLICY LEADERSHIP

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