

1 AN ACT relating to local regulatory actions.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 82 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "City" means:*

- 7 *1. A city of the first class as described in KRS 81.005(1)(a);*
- 8 *2. A home rule class city as described in KRS 81.005(1)(b); and*
- 9 *3. A merged government that adopts the responsibilities and duties of the*
10 *city or cities it incorporates, including:*
 - 11 *a. A charter county government as described in KRS 67.825;*
 - 12 *b. A unified local government as described in KRS 67.900;*
 - 13 *c. An urban-county government as described in KRS 67A.010; and*
 - 14 *d. A consolidated local government as described in KRS 67C.101;*

15 *(b) "Project labor agreement" means a collective bargaining agreement that*
16 *applies to a specific public construction project, lasts only for the duration*
17 *of the project, and guarantees the project will use union labor; and*

18 *(c) "Public construction project" means any project performed within the city's*
19 *boundaries that:*

- 20 *1. Is solicited and funded by a local public agency or the Commonwealth*
21 *of Kentucky;*
- 22 *2. Is for the purpose of making public improvements or building new, or*
23 *performing maintenance on existing, publicly owned buildings; and*
- 24 *3. Has an aggregate cost of over fifty-thousand dollars (\$50,000).*

25 *(2) The applicable legislative body of a city may enact an ordinance establishing a*
26 *mandatory preference for awarding a bid for a public construction project*
27 *contract to a union or a group of unions, which shall be incorporated into a*

1 project labor agreement.

2 (3) Notwithstanding KRS Chapter 337, the applicable legislative body of a city may
3 negotiate all terms of a project labor agreement, including any provision related
4 to the payment of wages that are greater than the existing state or federal
5 minimum wage.

6 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) As used in this section:

9 (a) "City" means:

10 1. A city of the first class described in KRS 81.005(1)(a);

11 2. A home rule class city described in KRS 81.005(1)(b); and

12 3. A merged government that adopts the responsibilities and duties of the
13 city or cities it incorporates, including:

14 a. A charter county government as described in KRS 67.825;

15 b. A unified local government as described in KRS 67.900;

16 c. An urban-county government as described in KRS 67A.010; and

17 d. A consolidated local government as described in KRS 67C.101;

18 (b) "Prevailing wage" means the hourly rate of wages and benefits paid to
19 employees employed on a public work project;

20 (c) "Prevailing wage rate" means the average hourly rate of wages and
21 benefits paid to an employee employed within the same city in the same
22 trade or occupation and performing substantially similar job duties; and

23 (d) "Public works project" means any project that involves a contract for public
24 works, as defined in KRS 45A.487, that is solicited and funded by a local
25 public agency or the Commonwealth of Kentucky and performed within the
26 city's boundaries, excluding any project subject to the Davis-Bacon Act, 40
27 U.S.C. sec. 3141 et seq.

1 *(2) The applicable legislative body may enact ordinances establishing a prevailing*
 2 *wage rate and requiring an employer to pay an employee a prevailing wage when*
 3 *he or she is employed on a public works project that is estimated to cost at least*
 4 *fifty thousand dollars (\$50,000).*

5 *(3) If the applicable legislative body enacts prevailing wage ordinances it shall*
 6 *establish within the body of the ordinances at a minimum:*

7 *(a) Classifications of each applicable trade or occupation and descriptions of*
 8 *various positions that occupy each class;*

9 *(b) The prevailing wage rate for each classification of trade or occupation;*

10 *(c) An annual prevailing wage rate schedule;*

11 *(d) A process for record keeping;*

12 *(e) A process for compliance investigations; and*

13 *(f) Penalties.*

14 ➔Section 3. KRS 65.016 is amended to read as follows:

15 The legislative body of any city, county, consolidated local government, urban-county
 16 government, charter county government, or unified local government shall ~~not~~ have the
 17 *authority to adopt and enforce minimum wage ordinances that set rates in excess of*
 18 *state and federal minimum wage rates, and to adopt and enforce ordinances requiring*
 19 *employers, as defined in KRS 337.010, to provide leave to their employees*~~[authority to~~
 20 ~~require any employer to pay to an employee a certain wage or fringe benefit other than as~~
 21 ~~determined by the employer].~~

22 ➔Section 4. KRS 65.870 is amended to read as follows:

23 ~~A[(1)No existing or future]~~ city, county, urban-county government, charter county,
 24 consolidated local government, *or* unified local government~~[- special district, local or~~
 25 ~~regional public or quasi public agency, board, commission, department, public~~
 26 ~~corporation, or any person acting under the authority of any of these organizations]~~ may
 27 *enact ordinances regulating*~~[occupy any part of the field of regulation of]~~ the

1 manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage,
 2 or transportation of firearms, ammunition, components of firearms, components of
 3 ammunition, firearms accessories, or combination thereof, **but any such ordinance shall**
 4 **not impose a requirement that is less restrictive than state law.**

5 ~~[(2) Any existing or future ordinance, executive order, administrative regulation, policy,~~
 6 ~~procedure, rule, or any other form of executive or legislative action in violation of~~
 7 ~~this section or the spirit thereof is hereby declared null, void, and unenforceable.~~

8 ~~(3) Any person or organization specified in subsection (1) of this section shall repeal,~~
 9 ~~rescind, or amend to conform, any ordinance, administrative regulation, executive~~
 10 ~~order, policy, procedure, rule, or other form of executive or legislative action in~~
 11 ~~violation of this section or the spirit thereof within six (6) months after July 12,~~
 12 ~~2012.~~

13 ~~(4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or~~
 14 ~~organization specified in subsection (1) of this section is considered an agent of the~~
 15 ~~Commonwealth, it is the intent of the General Assembly to exempt them from any~~
 16 ~~immunity provided in Section 231 of the Constitution of Kentucky to the extent~~
 17 ~~provided in this section. A person or an organization whose membership is~~
 18 ~~adversely affected by any ordinance, administrative regulation, executive order,~~
 19 ~~policy, procedure, rule, or any other form of executive or legislative action~~
 20 ~~promulgated or caused to be enforced in violation of this section or the spirit thereof~~
 21 ~~may file suit against any person or organization specified in subsection (1) of this~~
 22 ~~section in any court of this state having jurisdiction over any defendant to the suit~~
 23 ~~for declaratory and injunctive relief. A court shall award the prevailing party in any~~
 24 ~~such suit:~~

25 ~~(a) Reasonable attorney's fees and costs in accordance with the laws of this state;~~
 26 ~~and~~

27 ~~(b) Expert witness fees and expenses.~~

1 ~~(5) If any person or organization specified in subsection (1) of this section violates this~~
2 ~~section or the spirit thereof, the court shall declare the improper ordinance,~~
3 ~~administrative regulation, executive order, policy, procedure, rule, or other form of~~
4 ~~executive or legislative action specified in subsection (1) of this section null, void,~~
5 ~~and unenforceable, and issue a permanent injunction against the person or~~
6 ~~organization specified in subsection (1) of this section prohibiting the enforcement~~
7 ~~of such ordinance, administrative regulation, executive order, policy, procedure,~~
8 ~~rule, or any other form of executive or legislative action specified in subsection (1)~~
9 ~~of this section.~~

10 ~~(6) A violation of this section by a public servant shall be a violation of either KRS~~
11 ~~522.020 or 522.030, depending on the circumstances of the violation.~~

12 ~~(7) The provisions of this section shall not apply where a statute specifically authorizes~~
13 ~~or directs an agency or person specified in subsection (1) of this section to regulate~~
14 ~~a subject specified in subsection (1) of this section.]~~

15 ➔Section 5. KRS 237.115 is amended to read as follows:

16 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110
17 shall be construed to limit, restrict, or prohibit in any manner the right of a college,
18 university, or any postsecondary education facility, including technical schools and
19 community colleges, to control the possession of deadly weapons on any property
20 owned or controlled by them or the right of a unit of state, city, county, urban-
21 county, or charter county government to prohibit the carrying of concealed deadly
22 weapons in that portion of a building actually owned, leased, or occupied by that
23 unit of government.

24 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
25 urban-county government may, by statute, administrative regulation, or ordinance,
26 prohibit or limit the carrying of concealed deadly weapons in that portion of a
27 building owned, leased, or controlled by that unit of government. That portion of a

1 building in which the carrying of concealed deadly weapons is prohibited or limited
2 shall be clearly identified by signs posted at the entrance to the restricted area. The
3 statute or ordinance shall exempt any building used for public housing by private
4 persons, highway rest areas, firing ranges, and private dwellings owned, leased, or
5 controlled by that unit of government from any restriction on the carrying or
6 possession of deadly weapons. The statute, administrative regulation, or ordinance
7 shall not specify any criminal penalty for its violation but may specify that persons
8 violating the statute or ordinance may be denied entrance to the building, ordered to
9 leave the building, and if employees of the unit of government, be subject to
10 employee disciplinary measures for violation of the provisions of the statute or
11 ordinance. ~~The provisions of this section shall not be deemed to be a violation of~~
12 ~~KRS 65.870 if the requirements of this section are followed.~~ The provisions of this
13 section shall not apply to any other unit of government.

14 (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or
15 applicable federal law, no criminal penalty shall attach to carrying a concealed
16 firearm or other deadly weapon at any location at which an unconcealed firearm or
17 other deadly weapon may be constitutionally carried.

18 ➔Section 6. KRS 383.210 is amended to read as follows:

19 (1) Upon complaint by a person aggrieved by a forcible entry or detainer to the District
20 Court of the county in which the land or tenement, or a principal part thereof, lies, a
21 warrant shall issue to the sheriff or any constable, in substance as follows: "The
22 Commonwealth of Kentucky to the sheriff (or any constable) of county:
23 Whereas, A B hath made complaint that C D and E F did, on the day of,
24 forcibly enter into (or forcibly detain from the said A B) one (1) house and field on
25 the waters of, in the county aforesaid (or other general description of the lands or
26 tenements), which were in the peaceable possession of A B (or which the said C D
27 and E F, tenants of the said A B, now hold against him): You are, therefore,

1 commanded to summon a good and lawful jury of your county to meet on the
 2 premises, or at a place convenient thereto, on the day of, to inquire into the
 3 forcible entry (or forcible detainer) aforesaid; and give to the said C D and E F ~~at~~
 4 ~~least three (3) days'~~ notice of the time and place of the meeting of the jury; and
 5 have then there this writ. Witness, etc."

6 (2) In the trial of writs of forcible entry, forcible detainer or forcible entry and detainer,
 7 if neither party, in person or by agent or attorney, demand a jury, the trial thereof
 8 shall be by the court. No such writ shall hereafter direct the summoning of a jury,
 9 and the sheriff or other officer to whose hands such writ may come to do execution
 10 thereof shall not summon a jury in such proceedings, unless he or she be by either
 11 party notified in writing that a jury is demanded. At the calling of the cause for trial
 12 either party may demand a jury.

13 **(3) (a) The notice required for subsection (1) of this section shall be three (3) days.**
 14 **(b) A city, county, urban-county government, charter county government,**
 15 **consolidated local government, or unified local government may establish,**
 16 **by ordinance, an alternative minimum time limit of notice for the warrant to**
 17 **be served prior to the summoning of a jury or trial by court that exceeds**
 18 **three (3) days. The clerk of the local government passing the ordinance**
 19 **shall send a copy each to the sheriff of the county of jurisdiction, the court**
 20 **of jurisdiction, and to the Administrative Office of the Courts.**

21 ➔Section 7. KRS 383.215 is amended to read as follows:

22 The officer shall give to each defendant notice, according to the directions of the warrant,
 23 and no inquiry shall be made against any defendant who has not been notified as
 24 aforesaid. If, however, the notice have been given to a defendant, but not three (3) days,
 25 **or an alternative minimum time limit of notice as set out in subsection (3) of Section 6**
 26 **of this Act,** before the day of the meeting of the jury, the inquest shall, on his or her
 27 motion, be adjourned until the expiration of either the three (3) days or the alternative

1 *minimum time limit of notice as set out in subsection (3) of Section 6 of this Act.*

2 ➔Section 8. KRS 65.1591 is amended to read as follows:

3 (1) As used in this section:

4 (a) "Peer support communication" means any oral or written communication
5 made in the course of, or application for, a peer support counseling session or
6 any communication by a peer support participant regarding the contents of a
7 peer support counseling session to another peer support specialist, staff
8 member of a peer support counseling program, or the supervisor of a peer
9 support specialist;

10 (b) "Peer support counseling program" means a program provided by a public
11 agency to provide counseling services from a peer support specialist to a
12 public safety employee;

13 (c) "Peer support counseling session" means any counseling formally provided
14 through a peer support counseling program between a peer support specialist
15 and one (1) or more public safety employees;

16 (d) "Peer support participant" means a public safety employee who receives
17 counseling services from a peer support specialist;

18 (e) "Peer support specialist" means a public safety employee designated by the
19 public agency to provide peer support counseling who has received training in
20 both peer support counseling and in providing emotional and moral support to
21 public safety employees who have been in or exposed to an emotionally
22 traumatic experience in the course of employment;

23 (f) "Public agency" *means a city, county, urban-county government, charter*
24 *county, consolidated local government, unified local government, special*
25 *district, local or regional public or quasi-public agency, board, commission,*
26 *department, or public corporation* ~~has the same meaning as the entities listed~~
27 ~~in KRS 65.870 (1)]; and~~

- 1 (g) "Public safety employee" means an individual employed by a public agency
2 who:
- 3 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
 - 4 2. Serves in a position that is primarily engaged in firefighting activities,
5 whether paid or unpaid;
 - 6 3. Serves as a certified telecommunicator as provided by KRS 15.560 to
7 15.565; or
 - 8 4. Is licensed to provide emergency medical services as provided by KRS
9 Chapter 311A.
- 10 (2) Any public agency may create and design a peer support counseling program to
11 provide support to public safety employees who have been in or exposed to an
12 emotionally traumatic experience in the course of employment.
- 13 (3) The content of any peer support communication shall remain confidential and shall
14 not be disclosed to any individual who was not party to the peer support counseling
15 session or peer support communication, except when the peer support
16 communication contains:
- 17 (a) An explicit threat of suicide by a participant in which the participant shares an
18 intent to die by suicide, a plan to carry out a suicide attempt, or discloses the
19 means by which the participant intends to carry out a suicide attempt. This
20 paragraph shall not apply to any peer support communication where the
21 participant solely shares that the participant is experiencing suicidal thoughts;
 - 22 (b) An explicit threat by a participant of imminent and serious physical and
23 bodily harm or death to a clearly identified or reasonably identifiable victim;
 - 24 (c) Information related to the abuse or neglect of a child or an older adult or
25 vulnerable individual that is required by law to be reported;
 - 26 (d) An admission of criminal conduct; or
 - 27 (e) Information which is required by law to be disclosed.

1 (4) A peer support participant shall hold a privilege from disclosure of any peer support
2 communication in any disciplinary proceeding or any civil or criminal proceeding
3 unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of
4 this section. Under this privilege, the peer support communication shall be subject
5 to the same protections as any counselor-client privilege provided under the
6 Kentucky Rules of Evidence in any criminal or civil proceeding.

7 (5) Nothing in subsection (3) or (4) of this section shall be interpreted or construed to
8 prohibit:

9 (a) The use of or sharing by the public agency of anonymous data for research,
10 statistical analysis, or educational purposes;

11 (b) The disclosure of an observation by an employee of the public agency of a
12 peer support participant outside of a peer support counseling session and not
13 contained in peer support communication; or

14 (c) The disclosure of knowledge of a law enforcement officer of the public
15 agency about a peer support participant not gained from peer support
16 communication.