Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 99
Bill #: HB 155
Bill Subject/Title: An ACT relating to civil rights.
Sponsor: Rep. Mary Lou Marzian
Unit of Government: x City x County x Urban-County x Charter County x Consolidated Local x Government
Office(s) Impacted: fiscal courts/personnel offices; local human rights commissions
Requirement: x Mandatory Optional
Effect on Powers & Duties:x _ Modifies Existingx _ Adds New Eliminates Existing

Part II: Purpose and Mechanics

Currently, the Kentucky Civil Rights Act, codified at KRS Chapter 344, prohibits discrimination by race, color, religion, natural origin, sex, or disability in situations relating to: (1) employment; (2) sale or lease of real property; (3) public accommodations; (4) financial transactions; (5) housing insurance; and (6) credit transactions. HB 155 amends these civil rights statutes to prohibit discrimination based on sexual orientation and gender identity. This measure specifically broadens the scope of the powers and duties of the state and local human rights commissions to include protection from discrimination based on sexual orientation and gender identity in regard to various labor and employment practices.

Governor Beshear's June 2, 2008 Executive Order 2008-473 relating to equal employment opportunity and non-discrimination in employment added "sexual orientation" and "gender identity" as protected classes relating to employment and non-discrimination in state government.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 155 on local government is indeterminable and expected to

be minimal or moderate (if there were any related litigation). The provisions of the bill can affect local governments in their capacities as both landlords and renters. The bill would require local governments to conform any impacted ordinances. Those costs include staff time revising ordinances, and the costs of printing and publication of proposed ordinances.

Half of Kentucky cities collect rent, and cities would have to change/update their personnel handbooks. Costs related to the latter would include preparation and review by their city attorneys, most of which are paid on a per-hour basis. This legislation could also lead to more litigation involving cities, whether as employers or landlords.

In 2011, the city of Berea considered including sexual orientation and gender identity in an ordinance to create a local human rights commission. The Kentucky Commission on Human Rights prepared a fiscal impact statement that indicated that if Berea planned to have an investigative staff as part of its new commission, it would cost approximately \$750 in additional funding to include sexual orientation and gender identity protections in their ordinance. Berea passed the proposed ordinance to create a human rights commission but did not include in the ordinance anti-discrimination provisions relating to sexual orientation and gender identity and did not provide funding to hire staff to investigate discrimination claims in general.

Additionally, it should be noted, the employment practices of all local governments would be subject to the provisions of HB 155 and local governments would need to review their policies of nondiscrimination and conduct appropriate training to assure compliance with HB 155. Such training could be incorporated into existing training relating to discrimination and the cost would be minimal.

Data Source(s): LRC Staff; Kentucky League of Cities; Kentucky Commission on Human

Rights; City of Berea, Kentucky; Kentucky Association of Counties

Preparer: H. Marks Reviewer: JWN Date: 1/11/16