

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" includes:*

- 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" includes:

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

5 *(3) If the applicable legislative body of a city enacts prevailing wage ordinances it*
 6 *shall 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 383.210 is amended to read as follows:

23 (1) Upon complaint by a person aggrieved by a forcible entry or detainer to the District
 24 Court of the county in which the land or tenement, or a principal part thereof, lies, a
 25 warrant shall issue to the sheriff or any constable, in substance as follows: "The
 26 Commonwealth of Kentucky to the sheriff (or any constable) of county:
 27 Whereas, A B hath made complaint that C D and E F did, on the day of,

1 forcibly enter into (or forcibly detain from the said A B) one (1) house and field on
2 the waters of, in the county aforesaid (or other general description of the lands or
3 tenements), which were in the peaceable possession of A B (or which the said C D
4 and E F, tenants of the said A B, now hold against him): You are, therefore,
5 commanded to summon a good and lawful jury of your county to meet on the
6 premises, or at a place convenient thereto, on the day of, to inquire into the
7 forcible entry (or forcible detainer) aforesaid; and give to the said C D and E F ~~at~~
8 ~~least three (3) days'~~ notice of the time and place of the meeting of the jury; and
9 have then there this writ. Witness, etc."

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

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

25 ➔Section 5. KRS 383.215 is amended to read as follows:

26 The officer shall give to each defendant notice, according to the directions of the warrant,
27 and no inquiry shall be made against any defendant who has not been notified as

1 aforesaid. If, however, the notice have been given to a defendant, but not three (3) days,
2 **or an alternative minimum time limit of notice as set out in subsection (3) of Section 4**
3 **of this Act**, before the day of the meeting of the jury, the inquest shall, on his **or her**
4 motion, be adjourned until the expiration of **either** the three (3) days **or the alternative**
5 **minimum time limit of notice as set out in subsection (3) of Section 4 of this Act**.

6 ➔Section 6. KRS 65.1591 is amended to read as follows:

- 7 (1) As used in this section:
- 8 (a) "Peer support communication" means any oral or written communication
9 made in the course of, or application for, a peer support counseling session or
10 any communication by a peer support participant regarding the contents of a
11 peer support counseling session to another peer support specialist, staff
12 member of a peer support counseling program, or the supervisor of a peer
13 support specialist;
- 14 (b) "Peer support counseling program" means a program provided by a public
15 agency to provide counseling services from a peer support specialist to a
16 public safety employee;
- 17 (c) "Peer support counseling session" means any counseling formally provided
18 through a peer support counseling program between a peer support specialist
19 and one (1) or more public safety employees;
- 20 (d) "Peer support participant" means a public safety employee who receives
21 counseling services from a peer support specialist;
- 22 (e) "Peer support specialist" means a public safety employee designated by the
23 public agency to provide peer support counseling who has received training in
24 both peer support counseling and in providing emotional and moral support to
25 public safety employees who have been in or exposed to an emotionally
26 traumatic experience in the course of employment;
- 27 (f) "Public agency" **means a city, county, urban-county government, charter**

1 county, consolidated local government, unified local government, special
2 district, local or regional public or quasi-public agency, board, commission,
3 department, or public corporation [~~has the same meaning as the entities listed~~
4 ~~in KRS 65.870 (1)~~]; and

5 (g) "Public safety employee" means an individual employed by a public agency
6 who:

- 7 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
- 8 2. Serves in a position that is primarily engaged in firefighting activities,
9 whether paid or unpaid;
- 10 3. Serves as a certified telecommunicator as provided by KRS 15.560 to
11 15.565; or
- 12 4. Is licensed to provide emergency medical services as provided by KRS
13 Chapter 311A.

14 (2) Any public agency may create and design a peer support counseling program to
15 provide support to public safety employees who have been in or exposed to an
16 emotionally traumatic experience in the course of employment.

17 (3) The content of any peer support communication shall remain confidential and shall
18 not be disclosed to any individual who was not party to the peer support counseling
19 session or peer support communication, except when the peer support
20 communication contains:

- 21 (a) An explicit threat of suicide by a participant in which the participant shares an
22 intent to die by suicide, a plan to carry out a suicide attempt, or discloses the
23 means by which the participant intends to carry out a suicide attempt. This
24 paragraph shall not apply to any peer support communication where the
25 participant solely shares that the participant is experiencing suicidal thoughts;
- 26 (b) An explicit threat by a participant of imminent and serious physical and
27 bodily harm or death to a clearly identified or reasonably identifiable victim;

- 1 (c) Information related to the abuse or neglect of a child or an older adult or
2 vulnerable individual that is required by law to be reported;
- 3 (d) An admission of criminal conduct; or
- 4 (e) Information which is required by law to be disclosed.
- 5 (4) A peer support participant shall hold a privilege from disclosure of any peer support
6 communication in any disciplinary proceeding or any civil or criminal proceeding
7 unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of
8 this section. Under this privilege, the peer support communication shall be subject
9 to the same protections as any counselor-client privilege provided under the
10 Kentucky Rules of Evidence in any criminal or civil proceeding.
- 11 (5) Nothing in subsection (3) or (4) of this section shall be interpreted or construed to
12 prohibit:
- 13 (a) The use of or sharing by the public agency of anonymous data for research,
14 statistical analysis, or educational purposes;
- 15 (b) The disclosure of an observation by an employee of the public agency of a
16 peer support participant outside of a peer support counseling session and not
17 contained in peer support communication; or
- 18 (c) The disclosure of knowledge of a law enforcement officer of the public
19 agency about a peer support participant not gained from peer support
20 communication.