

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session**

Part I: Measure Information

Bill Request #: 378

Bill #: SB 63

Bill Subject/Title: An ACT relating to civil rights.

Sponsor: Sen. Morgan McGarvey

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: _____

Requirement: Mandatory Optional

Effect on

Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

SB 63 is identical to SB 176 of 2016. It amends KRS 344.010 to include definitions for "sexual orientation", "gender identity", "local Commission", and "real estate-related transaction". It amends KRS 344.020 (relating to the purpose of Kentucky's civil rights chapter) to include a prohibition on discrimination because of sexual orientation and gender identity. It amends KRS 344.040, 344.050, 344.060, 344.070, and 344.080 (relating to prohibited discrimination in various labor and employment practices) to include sexual orientation and gender identity. It amends KRS 344.025, 344.100, 344.110, and KRS 18A.095 (to conform). SB 63 amends KRS 344.120 and 344.140 (relating to prohibited discrimination in places of public accommodation and advertisements) to include sexual orientation and gender identity;

SB 63 amends KRS 344.170, 344.180, 344.190, 344.300, and 344.310 (relating to the state and local human rights commissions) to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties. It amends KRS 344.360, 344.680, 344.370, and 344.380 (relating to prohibited discrimination in certain housing, real estate, and other financial transactions) to include sexual orientation and gender identity. It amends KRS 344.367 (relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender

identity). Finally, SB 63 amends KRS 344.400 (relating to prohibited discrimination in certain credit transactions) to include sexual orientation and gender identity.

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

The fiscal impact of SB 63 on local government is indeterminable and minimal. Any local government engaged in the identified commercial or related activities in SB 63 (e.g. rental properties) would have to conform. Some local governments will be required to adopt conforming local ordinances. The bill would impact local governments that have adopted ordinances, orders, and resolutions prohibiting discrimination and 24 communities with local human rights commissions.

SB 63 would also require that those local governments presently having civil rights ordinances amend any local civil rights laws to incorporate the language prescribed in SB 63. Costs would include the time and expense of repealing or revising an existing ordinance, advertising the revision in a local newspaper, placing the revision on the business docket for necessary action, and printing a revised list of ordinances. Municipalities periodically (at least every five years by state law) revise their ordinances to eliminate “redundant, obsolete, inconsistent, and invalid provisions”). The cost of this mandate would be less if the repeal or revision were done in conjunction with this periodic updating of ordinances.

Additionally, local human rights commissions would retain a role in implementing the application of civil rights law as amended by SB 63. Therefore, their rules and policies would have to be rewritten to conform to the provisions of SB 63.

Data Source(s): LRC staff; Kentucky League of Cities; Kentucky Municipal Statutory Law, LRC IBN. No. 145; Kentucky Commission on Human Rights; Kentucky Association of Counties

Preparer: H. Marks **Reviewer:** JWN **Date:** 1/3/17