

# **General Assembly Action 2010 Regular Session**

**A Staff Summary of Legislative Enactments**

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## Foreword

The 2010 Regular Session of the General Assembly convened Tuesday, January 5, 2010, and adjourned *sine die* Tuesday, April 15, 2010, having met for 60 legislative days. During this session, 826 bills and 637 resolutions were introduced, including 232 Senate bills and 594 House bills.

Of the bills introduced, 44 Senate bills and 120 House bills passed both chambers and were delivered to the Governor. The Governor exercised his veto authority in one Senate bill.

The Governor also received 16 joint and concurrent resolutions.

This informational bulletin summarizes the bills and resolutions that were delivered to the Governor. It was prepared by the staff of the Legislative Research Commission.

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May 2010



## Bill Numbers to Acts Chapters

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 1	67	SCR 192	73	HB 201	18	HB 391	97
SB 4	161			HB 202	122	HB 393	24
SB 7	49	HB 1	170	HB 204	117	HB 395	58
SB 17	26	HB 14	3	HB 215	114	HB 398	106
SB 18	23	HB 19	12	HB 216	129	HB 415	110
SB 19	11	HB 20	115	HB 217	84	HB 420	96
SB 30	138	HB 24	30	HB 220	116	HB 424	144
SB 32	46	HB 28	56	HB 224	44	HB 427	37
SB 35	10	HB 35	38	HB 231	7	HB 428	98
SB 45	162	HB 38	90	HB 233	83	HB 434	16
SB 47	8	HB 40	40	HB 237	13	HB 444	36
SB 61	70	HB 44	89	HB 240	5	HB 447	111
SB 62	137	HB 51	6	HB 241	91	HB 450	99
SB 64	158	HB 72	168	HB 251	92	HB 454	169
SB 65	136	HB 75	4	HB 261	33	HB 456	65
SB 71	72	HB 79	53	HB 262	93	HB 486	100
SB 76	34	HB 80	29	HB 264	155	HB 488	50
SB 77	48	HB 88	88	HB 265	149	HB 500	101
SB 79	163	HB 96	14	HB 268	94	HB 504	143
SB 83	54	HB 97	123	HB 276	15	HB 511	156
SB 84	64	HB 98	31	HB 278	165	HB 518	142
SB 85	27	HB 104	174	HB 283	103	HB 531	172
SB 88	76	HB 106	20	HB 284	166	HB 540	159
SB 89	39	HB 114	87	HB 285	171	HB 545	164
SB 101	77	HB 124	47	HB 287	152	HB 552	60
SB 104	135	HB 126	25	HB 289	148	HB 558	141
SB 107	160	HB 139	175	HB 293	154	HB 564	107
SB 114	69	HB 146	127	HB 295	167	HB 566	140
SB 117	28	HB 149	153	HB 297	43	HB 589	139
SB 127	80	HB 151	124	HB 298	75		
SB 130	82	HB 152	176	HB 300	22	HCR 15	17
SB 131	74	HB 159	150	HB 302	2	HJR 34	9
SB 132	134	HB 160	108	HB 316	128	HJR 67	120
SB 141	45	HB 164	104	HB 319	147	HCR 115	62
SB 150	133	HB 165	126	HB 323	95	HJR 141	105
SB 151	151	HB 166	86	HB 327	146	HJR 154	52
SB 152	51	HB 170	125	HB 329	173	HJR 192	66
SB 158	81	HB 171	32	HB 339	68	HCR 207	119
SB 163	42	HB 172	131	HB 347	57	HJR 209	102
SB 176	63	HB 175	19	HB 356	130	HCR 210	118
SB 178	157	HB 176	1	HB 363	61	HCR 250	121
SB 180	79	HB 179	85	HB 374	41		
SB 227	71	HB 180	112	HB 376	109		
		HB 182	132	HB 377	145		
SJR 169	35	HB 188	21	HB 378	59		
SJR 177	78	HB 199	113	HB 387	55		



## Senate Bills

### SB 1

AN ACT relating to primary stroke center certification.

Creates a new section of KRS Chapter 216B to require the secretary of the Cabinet for Health and Family Services to designate as a primary stroke center any acute care hospital that has received a primary stroke center certification from the Joint Commission or another cabinet-approved organization; requires the cabinet to suspend or revoke a designation if certification is withdrawn; and requires acute care hospitals to comply with national standards and safety goals, use evidence-based clinical practice guidelines, and use an organized approach to measure performance.

### SB 4

AN ACT relating to anatomical gifts.

Creates, amends, and repeals various sections of the Kentucky Revised Statutes relating to anatomical gifts to enact the Revised Uniform Anatomical Gift Act and to make provisions relating to organ donation consistent across the states; clarifies earlier uniform acts; applies provisions to donations from deceased donors as a result of gifts made before or after their deaths; establishes the manner of making an anatomical gift before the donor's death, the procedure for amending or revoking an anatomical gift before the donor's death, and the procedure for refusing to make an anatomical gift and the effect of that refusal; establishes the preclusive effect of an anatomical gift, amendment, or revocation; specifies that the making of an anatomical gift does not authorize or direct the denial of hydration and nutrition when the denial of hydration and nutrition will result in or hasten death; specifies who may make an anatomical gift of the decedent's body or part and the manner of making, amending, or revoking an anatomical gift of the decedent's body or part; specifies persons who may receive an anatomical gift and the purpose of the anatomical gift; requires law enforcement and hospital staff to search for a document of gift; provides that the delivery of a document of gift is not required during the donor's life and creates the right to examine the document; establishes the rights and duties of the procurement organization and others; requires coordination of procurement and use; prohibits the sale or purchase of parts; provides immunity for certain parties; clarifies the law governing validity, choice of law as to execution of a document of gift, and presumption of validity; sets forth the effect of an anatomical gift on an advance health care directive; requires cooperation between coroners, medical examiners, and procurement organizations; cites the need for uniformity of application and construction; clarifies relation to Electronic Signatures in Global and National Commerce Act; and amends and repeals various sections to conform.

### SB 7

AN ACT relating to the Kentucky Life and Health Insurance Guaranty Fund.

Amends KRS 304.42-030 to exclude from coverage Medicare Part C and Part D benefits; increases coverage limits with respect to any one life for health insurance benefits from \$100,000 to \$500,000; limits disability and long-term care insurance to \$300,000; increases the annuity benefit limit from \$100,000 to \$250,000; and increases benefits of any one owner of multiple nongroup life insurance policies from \$1 million to \$5 million.

**SB 17**

AN ACT relating to crimes and punishments.

Amends KRS 510.060, relating to rape in the third degree, and KRS 510.090, relating to sodomy in the third degree, to prohibit persons who are employed by or associated with an agency or facility that is responsible for detention or treatment from having sexual intercourse or deviate sexual intercourse with persons incarcerated, supervised, evaluated, or treated by those agencies; and amends KRS 510.120, relating to sexual abuse in the second degree, to conform.

**SB 18**

AN ACT relating to health care services provided in clinical trials for the treatment of cancer.

Creates a new section of Subtitle 17A of KRS Chapter 304 to prohibit a health benefit plan from excluding coverage for routine patient health care costs that are incurred in the course of a cancer clinical trial if the health benefit plan would provide coverage for the routine patient health care cost had it not been incurred in a cancer clinical trial; provides that nothing in this section requires a policy to offer, or prohibits a policy from offering, cancer clinical trial services by a participating provider; and provides that nothing in this section requires services that are performed in a cancer clinical trial by a nonparticipating provider of a policy to be reimbursed at the same rate as those performed by a participating provider of the policy.

**SB 19**

AN ACT relating to pharmacy technicians.

Amends KRS 315.136 to waive the application fee for pharmacy technicians who serve on a voluntary basis with a pharmacy operated by a charitable organization as defined in KRS 142.301(2) and limits the waiver from the pharmacy technician application fee to those applicants who serve only on a voluntary basis as a pharmacy technician for a charitable provider.

**SB 30**

AN ACT relating to the military family assistance trust fund.

Amends KRS 36.474 to make military personnel and their families eligible for military family assistance trust grants for 180 rather than 90 days after the end of deployment; provides for grants for a demonstrated need for a group of several members of the military or their families if approved by a majority of the military family assistance trust fund board; limits the amount the adjutant general can expend to up to \$1,000 per situation and \$10,000 per calendar year; allows the director of the National Guard Family Services Program to use the fund in a similar manner as the adjutant general; and requires regulations be drafted to implement the changes.

**SB 32**

AN ACT relating to inmate civil actions.

Amends KRS 454.400, 454.405, and 454.415 to require that certain civil actions filed by an inmate against a correctional facility, including the Department of Corrections, a Department of Corrections contract facility, county jails, and other local or regional detention facilities, be dismissed if the inmate fails to exhaust that facility's administrative remedies; requires that notice of the dismissal be provided to the facility, to all party defendants named in the civil



action, and to the inmate; permits a court, upon dismissal of an action for failure to exhaust administrative remedies, to assess reasonable costs against the inmate; and provides for a limited extension of the period of limitations in specified situations and precludes the revival of an otherwise time-barred action.

### **SB 35**

AN ACT relating to the necessary information to be provided to the county clerks to maintain a roster of voters who are eligible to vote in city and school board elections.

Amends KRS 116.200, relating to the roster of voters eligible to vote in city and school board elections, to establish a deadline of January 1, 2011, for cities and school boards to submit to the county clerk a list of properties and boundaries and changes to boundaries; permits electronic transmission of information, including maps; prohibits county clerks from charging a fee to cities or school boards; permits county clerks to request more information if necessary in order to maintain the voting roster; amends KRS 81A.470, related to annexation, to eliminate the requirement that certain documents be filed in the Governor's Office for Local Development; and amends KRS 81A.475 to conform.

### **SB 45**

AN ACT relating to state contracting practices.

Creates a new section of KRS Chapter 45A to define "contract" and "public agency"; creates a new section of KRS Chapter 45A setting out the purpose of providing a resident bidder preference; creates a new section of KRS Chapter 45A to give preference to Kentucky resident bidders in contracts entered into by a public agency; requires this preference to apply against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state; specifies that this preference is equal to the preference given or required by the state of the nonresident bidder; defines "resident bidder" and "nonresident bidder"; requires preference for a resident bidder in the event of a tie between a resident and nonresident bidder; requires the Finance and Administration Cabinet to maintain a list of states that give preferences, include the details of those preferences, and promulgate administrative regulations to establish the procedures for giving preferences; requires preferences not to conflict with federal law; requires public agencies to include preference information in solicitations or advertisements for bids; creates a new section of KRS Chapter 65 to require local governments to apply the reciprocal resident bidder preference to all contracts; creates a new section of KRS Chapter 160 to require local school boards to apply the reciprocal resident bidder preference to all contracts; creates a new section of KRS Chapter 176 to require reciprocal resident bidder preference for highway construction contracts; amends KRS 45A.070 to redefine "best value" to include the requirement to communicate the preference in the invitation for bids; amends KRS 45A.470 to notwithstanding other provisions of the chapter and to specify that first preference in purchasing commodities or services shall be given to products produced by the Kentucky Industries for the Blind; amends KRS 45A.050, 45A.085, 45A.090, 45A.180, 45A.182, 45A.365, 45A.370, 45A.375, 45A.695, 45A.745, 45A.825, 45A.853, 162.070, 164A.575, 164A.590, and 176.010 to conform; and repeals KRS 45A.873.

**SB 47**

AN ACT relating to state prisoners.

Amends KRS 441.045, relating to county jail fees, to permit a county jail to charge a medical copayment fee to state prisoners using local jail medical facilities; and amends KRS 197.020, relating to state prisoner copayment fees for using state medical facilities, to conform.

**SB 61**

AN ACT relating to reorganization.

Confirms Executive Order 2009-536.

**SB 62**

AN ACT relating to establishing Mesothelioma Awareness Day.

Designates September 26 of each year as “Mesothelioma Awareness Day” and requires the governor to issue a proclamation.

**SB 64**

AN ACT relating to the Kentucky Department of Fish and Wildlife Resources.

Creates new sections of KRS Chapter 150 to require the Auditor of Public Accounts to perform an annual audit of the Department of Fish and Wildlife Resources; prohibits service on the commission if convicted of a felony; requires the commission to replace public hunting land when it becomes unavailable for that purpose; requires that other agencies work with the department in finding replacement hunting land if the land is suitable for hunting; requires a report on no-net loss of public hunting lands be sent to the Legislative Research Commission and to the Interim Joint Committee on Natural Resources and Environment by October 1 of each year; requires the Department of Fish and Wildlife Resources to hold hearings or promulgate administrative regulations affecting abutting property owners to department-owned or department-controlled property within 10 miles of the property boundary; creates a new section of KRS Chapter 150 to provide that the department shall, by administrative regulation, specify permitted and prohibited uses of department property, licenses, and permits for use of department property and buffer areas between department-owned property and adjoining property; allows persons to carry firearms on commission-owned or commission-managed land regardless of the hunting season; allows use of a firearm for personal protection and prohibits use of a firearm on commission land to take an animal in violation of fish and game laws; amends KRS 150.022 to subject to confirmation by the Senate appointments to the Department of Fish and Wildlife Resources Commission; permits reappointment to the commission one time only; requires the governor to remove any commissioner if he or she was convicted of a felony in any state or any jurisdiction; removes eligibility of resident motorboat owners to vote for a commissioner in a sportsmen’s district election; amends KRS 150.150 and KRS 235.330 to require the Fish and Game Fund to maintain separate restricted fund accounts and to prohibit commingling of money in the fund; amends KRS 150.061 to require the department commissioner to be subject to annual review in closed session by the commission and requires the commission to approve grant-funded, time-limited positions; deletes the indefinite term of employment and requires a defined contract term of employment for the commissioner the Department of Fish and Wildlife Resources, who is subject to removal or reappointment by the commission; amends KRS 150.150 to prohibit commingling of moneys in the Fish and Game

Fund; requires moneys be kept according to generally accepted accounting principles; requires the department to prescribe a method to allow an applicant for a license required under KRS 150.175 to voluntarily contribute \$2 at the time of making the application to the Becoming an Outdoors-Woman Program or other hunter and angler recruitment and retention programs; amends KRS 150.725 to define “import of captive cervids” and “in transit” of captive cervids; amends KRS 150.740 to provide regulation and to permit transport of captive cervids through the state if the final destination is outside of the Commonwealth; amends KRS 150.990 to create tiered penalties for violations of taking wildlife with a firearm during bow season; and amends KRS 235.330 to require money collected under the boating chapters to be kept under different accounts in the Fish and Game Fund and not to be commingled.

**SB 65**

AN ACT relating to suicide prevention.

Amends KRS 158.070 to require all high school and middle school principals, guidance counselors, and teachers to complete 2 hours of self-study review of suicide prevention materials each school year, in addition to the required 4 days of professional development; and amends KRS 161.011 to permit suicide prevention training offered for classified employees to be accomplished through self-review of suicide prevention materials.

**SB 71**

AN ACT relating to special license plates.

Amends KRS 186.162 to create a special license plate for recipients of the Silver Star Medal or the Bronze Star Medal awarded for valor; amends KRS 186.164 to direct the Transportation Cabinet to promulgate administrative regulations regarding the documentation required to show proof of being a recipient of the Silver Star Medal or Bronze Star Medal awarded for valor; and amends KRS 186.166 to require that Silver Star Medal and Bronze Star Medal license plates be perpetually produced.

**SB 76**

AN ACT relating to management of institutional funds.

Creates new sections of KRS Chapter 273 to adopt modern standards of prudent investment and to modernize the responsibilities of fiduciaries in the management of the institutional funds of charitable organizations as contained in the Uniform Prudent Management of Institutional Funds Act; and repeals the Uniform Management of Institutional Funds Act, KRS 273.510 to 273.590.

**SB 77**

AN ACT relating to self-insurance groups.

Amends KRS 304.33-020 to clarify that liability self-insurance groups are subject to the insurance code rehabilitation and liquidation statutes, rather than bankruptcy proceedings; amends KRS 304.48-090 to specify the authorized investments for liability self-insurance groups; amends KRS 304.48-140 to require a liability self-insurance group board of trustees to establish a formal conflict-of-interest or code-of-conduct policy applicable to the board of trustees and to remove the exemption for governmental entity self-insurance groups from board of trustee membership restrictions; amends KRS 304.48-170 to require liability self-insurance groups to file quarterly financial statements with the executive director of the Office of Insurance

and to require a self-insured group to make the statement of financial condition available to a group member upon request; amends KRS 304.48-180 to clarify that the rates, underwriting guidelines, and evidences of coverage of a liability self-insurance group shall be filed with the executive director and reviewed and approved in the same manner as private insurers; amends KRS 304.48-240 to clarify that liability self-insurance groups are subject to the unfair trade practices and fraud provisions of Subtitle 12 of KRS Chapter 304; amends KRS 304.48-250 to provide that if a liability self-insurance group fails to make an assessment levied against it by the executive director for insufficient assets, it may be placed in delinquency proceedings pursuant to Subtitle 33 of KRS Chapter 304; amends KRS 304.48-260 to authorize the executive director to suspend or revoke the certificate of filing of a liability self-insurance group or impose a civil penalty for violation of the unfair trade practices provisions of Subtitle 12 of KRS Chapter 304 and administrative regulations; creates a new section of Subtitle 48 of KRS Chapter 304 to clarify that liability self-insurance groups are subject to the unfair trade and fraud practices provisions of Subtitle 12 of KRS Chapter 304 and the administrative hearing requirements contained in KRS 304.2-310 to 304.2-370; and amends KRS 304.50-155 to clarify that workers' compensation self-insured groups are subject to the unfair trade practice provisions contained in Subtitle 12 of KRS Chapter 304.

**SB 79**

AN ACT relating to licensed occupations.

Amends KRS 325.261 to impose a time limit of 5 years after examination for certified public accountants to complete the experience requirement; amends KRS 325.270 to cancel examination scores if the new time limit is exceeded; amends KRS 325.330 to establish dates for license expiration and to provide requirements for license renewal; amends various sections of KRS Chapter 322, relating to engineers and land surveyors, to make technical corrections to the employee and subordinate exemption and manufacturer's exemption; adds language to ensure that the exemption does not extend to site-specific engineering work; requires English competency for all applicants; redefines the felony conviction resulting in ineligibility for licensure as any felony involving sexual misconduct, violence, fraud, or deceit; clarifies that the permitted entity's engineer in responsible charge must be located at the Kentucky office if one is maintained; removes the references requirement for business entities; changes the responsible-charge requirement for an owner or officer of a business entity and excludes sole proprietors from the business entity provisions; removes the inclusion of proof of English proficiency requirement for applications; requires references and employment verifications to remain confidential; changes "licensure by reciprocity" to "licensure by endorsement"; removes language requiring mailing as the only method for providing notice; clarifies that the licensee is responsible for renewal; removes moral turpitude language and leaves any felony as grounds for disciplinary action; deletes the outdated surety bond requirements for the board's secretary-treasurer and the board's employee who collects and disburses fees; permits roster information in electronic form; updates language regarding buildings requiring the services of an engineer or architect to make it consistent with KRS 323.033; makes a one-time board term of 3 years for one land surveyor who is appointed under KRS 322.230 to fill a position on the State Board of Licensure for Professional Engineers and Land Surveyors after the previous term for that position has expired on December 31, 2010; reverts the term of this board position back to 4 years for any subsequent appointments; and repeals KRS 322.015, 322.200, and 322.310.

**SB 83**

AN ACT relating to gift cards.

Amends KRS 367.890 to delete gift cards distributed by an issuer as an award, loyalty, or promotional program without an exchange of any money or other thing of value from the exemption to the minimum 1-year expiration requirement for gift cards.

**SB 84**

AN ACT relating to health care programs for prisoners.

Amends KRS 441.053, relating to jail health care operations, to allow jails that contract for comprehensive health care services from a private provider to not use the Department of Corrections' pharmacy services plan if the cost of the contracted prescription plan is equal to or less than the total cost of the Department of Corrections' pharmacy plan and to prohibit an entity that provides medical, dental, psychological, or pharmacy services to the Department of Corrections and local jails from also providing claims management or plan evaluation services.

**SB 85**

AN ACT relating to the Kentucky Milk Commission.

Amends KRS 260.662 to add three nonvoting members to the Kentucky Milk Commission; and confirms Executive Order 2009-754.

**SB 88**

AN ACT relating to entities affiliated with local government officials.

Amends KRS 212.638 to allow expenditures by urban-county boards of health of up to \$20,000 to be made without a contract; creates a new section of KRS Chapter 65 defining "public entity" and "affiliated organization"; creates a new section of KRS Chapter 65 to place public entities and affiliated organizations under open meetings and records provisions, to set conditions for open meetings and records, and to establish requirements for a Web site that include a database containing information relating to the entities' expenditures; establishes auditing requirements; and creates a new section of KRS Chapter 65 to require the adoption of procurement, ethics, personnel and compensation, and complaints policies and to require training of local officials in related responsibilities.

**SB 89**

AN ACT relating to national board-certified teachers.

Amends KRS 157.395 to provide salary supplements to national board-certified teachers employed in Kentucky technical schools operated by the Cabinet for Education and Workforce Development; and amends KRS 161.133 to conform.

**SB 101**

AN ACT relating to students.

Amends KRS 164.370 to permit a representative committee of designated faculty, staff, and students to suspend or expel any student for disobedience to its rules, or for any other contumacy, insubordination, or immoral conduct.

**SB 104**

AN ACT relating to agriculture.

Amends KRS 150.740, 260.853, and 260.863 to require that reports be sent to both the Interim Joint Committee on Agriculture and the Interim Joint Committee on Natural Resources and Environment; amends KRS 151.7282, 224.10-660, and 351.1055 to require that reports be sent to the Interim Joint Committee on Natural Resources and Environment; amends KRS 224.43-080 and 363.9055 to remove obsolete reporting requirements; amends KRS 247.220 to make technical corrections concerning the Interim Joint Committee on Agriculture; and amends KRS 248.709 and 260.032 to require that reports be sent to the Interim Joint Committee on Agriculture.

**SB 107**

AN ACT relating to crimes and punishments and declaring an emergency.

Creates new sections of KRS Chapter 218A to prohibit trafficking in, possession of, and cultivation of salvia and imposes penalties; amends KRS 218A.010 to define "salvia"; amends KRS 218A.050 to include salvia as a Schedule I controlled substance; amends KRS 217.065, relating to misbranded drug or device, to include salvia; amends KRS 218A.1401, relating to selling controlled substances to a minor, to exclude salvia; amends KRS 218A.141, relating to additional penalties for trafficking, to include trafficking in salvia; amends KRS 218A.1411, relating to trafficking in a controlled substance in or near school, to exclude offenses relating to salvia; amends KRS 218A.276, relating to a rehabilitation program for possessors of marijuana, to include possessors of salvia; amends KRS 218A.410, relating to property subject to forfeiture, to exclude misdemeanor offenses relating to salvia in certain circumstances; amends KRS 218A.500, relating to drug paraphernalia, to modify penalty; amends KRS 218A.992, relating to enhancement of penalty for drug offense when in possession of a firearm, to exclude offenses involving salvia; amends KRS 530.064, relating to unlawful transaction with a minor in the first degree, to exclude activity involving salvia; amends KRS 514.040 to modify the standards applicable to a merchant's bad check fee; and amends various other sections to conform; EMERGENCY.

**SB 114**

AN ACT relating to school facilities.

Creates a new section of KRS Chapter 162, notwithstanding any other statute or administrative regulation to the contrary, to permit any nonprofit finance corporation formed under KRS 162.385 to lease land from any government entity or agency for the purposes of constructing a school building; the lease shall be for 1 year but may be extended from year to year for a minimum of 50 years; and permits the finance corporation to issue school building revenue bonds on behalf of a school district in accordance with KRS 162.120 to 162.300.

**SB 117**

AN ACT relating to financial services.

Amends KRS 286.2-685 to prohibit the use of banking-related terms or characters in the name, stationery, or advertising of any entity that is not authorized to conduct banking activities in this state; creates a new section of Subtitle 3 of KRS Chapter 286 to require applications for a bank or trust company charter to be approved by the executive director and stipulates requirements for approval of a charter and actions to be taken before an institution may

commence business under the charter; creates a new section of Subtitle 3 of KRS Chapter 286 to prohibit an institution from transacting any business, other than business that is incidental to its organization, prior to being granted a charter; amends KRS 286.3-030 to permit, upon written request and approval by the executive director, the use of a different name at branch offices in this state; amends KRS 286.3-040 to specify that persons means five or more natural persons who may organize a bank or trust company; amends KRS 286.3-050 to delete specific investigatory requirements of the executive director prior to the filing of articles of incorporation of a bank or trust company; amends KRS 286.3-060 to modify directors' oaths of office; amends KRS 286.3-070 to change the minimum capital stock of a bank or trust company from \$2.5 million to \$5 million; amends KRS 286.3-090 to disallow the executive director from reducing the amount of capital stock below \$2.5 million; amends KRS 286.3-100 to prohibit a bank from holding for more than 1 year, unless otherwise approved by the executive director, any assets taken as security for debts previously contracted in the ordinary course of business; amends KRS 286.3-102 to update reference to CAMELS rating rather than CAMEL rating; amends KRS 286.3-172 to delete the requirement for plans of conversion or merger to be filed with the clerk of the county in which the principal office of the bank is located; amends KRS 286.3-180 to allow a bank to acquire, rather than just establish, a branch office and to specify that consolidation of two or more branch offices in the same neighborhood shall not be considered a branch closure; amends KRS 286.3-185 to provide that the relocation of a branch within the same neighborhood shall not be considered a branch closure; amends KRS 286.3-280 to require, when computing the total capital stock and surplus, the negative balance of a bank's undivided profits account to be deducted; amends KRS 286.3-290 to create an additional exception to the maximum debt that may be owed to a bank to except from the total amount of the debt deposit secured loans; amends KRS 286.3-630 to require notice to be provided to all stockholders when a bank is required to transfer assets and liabilities; amends KRS 286.3-915 to delete requirements pertaining to the board of directors of a combined bank; amends KRS 387.111 to limit the compensation of guardians, limited guardians, and conservators; amends KRS 387.760 to limit compensation to guardians, limited guardians, limited conservators, and conservators to a commission of 6 percent of the income collected by the fiduciary, an annual commission of 0.3 percent of the fair market value of the real and personal property in the care of the fiduciary, or an annual commission of not more than 6 percent of the fair market value of the principal distributed by the fiduciary, except the court may allow the fiduciary additional compensation as is fair and reasonable if proof is submitted that additional services that are unusual or extraordinary and not normally incidental to the management of a similar estate have been performed; amends KRS 286.4-533 to allow creditors to charge for expenses incurred for UCC filings; and repeals KRS 286.3-420 regarding publication of financial statements.

### **SB 127**

AN ACT relating to advanced practice doctoral programs in nursing.

Amends KRS 165.295 to permit the six comprehensive universities to provide advanced practice doctoral programs in nursing upon approval of the Council on Postsecondary Education in compliance with KRS 314.111 and 314.131; creates a new section of KRS Chapter 164 to require governing boards of the universities to collaborate with the Kentucky Board of Nursing to ensure that each university offering an advanced practice doctoral degree in nursing complies with minimal education and licensure standards for admission to and graduation from an

advanced practice doctoral program in nursing and with the accreditation standards of the National League for Nursing Accrediting Commission and the Commission on Collegiate Nursing Education and designates how universities may describe the program or its participants in advertisements or communications; amends KRS 311.375 to specify how an individual earning a doctor of nursing practice degree shall portray his or her academic credentials; and requires revocation of health provider license for 6-12 months when an individual is found by a trier of fact to have committed a violation to deceive the public.

**SB 130**

AN ACT relating to securities and making an appropriation therefor.

Amends KRS 292.310 to modify definitions of “agent,” “broker-dealer,” “investment adviser,” “covered security,” and “investment adviser representative” and to define “sign”; amends KRS 292.330 to add exemptions from registration for broker-dealers, agents, investment advisers, and investment adviser representatives and to delete exemptions from investment adviser registration and covered adviser notice filing for registered broker-dealers; excludes agents, issuers, banks, savings institutions, and trust companies from the definition of “broker-dealer”; creates new sections of KRS Chapter 292 to clarify the registration process for broker-dealers, agents, investment advisers, and investment adviser representatives and for notice filing as a covered adviser; provides a procedure for successor registration of broker-dealers and investment advisers; provides for termination or withdrawal of registrations and temporary registrations; sets forth registration fees for broker-dealers, investment advisers, agents, and representatives; sets forth record-keeping requirements for registrants and deletes the requirement for registrants to file annual reports; clarifies the circumstances under which the executive director may deny, suspend, revoke, restrict, or limit a registration or take disciplinary action against a registrant; amends KRS 292.380 to require renewal filings for registrations by notification, coordination, or qualification; amends KRS 292.410 to clarify that all investors must receive material information in connection with the purchase of a security and to allow a commission to be paid to a registered broker-dealer in a transaction exempted by this section; amends KRS 292.480 to provide a private right of action for fraudulent investment advice; amends KRS 292.500 to allow the executive director to accept electronic filings of documents; amends KRS 292.530 to broaden the protections of the chapter to all investors rather than only to Kentucky investors; creates a new section of KRS Chapter 292 to establish the securities fraud prosecution and prevention fund; and amends KRS 292.313 and 304.37-530 to conform.

**SB 131**

AN ACT relating to the Department of Juvenile Justice.

Creates a new section of KRS Chapter 15A to restrict access to Department of Juvenile Justice records if a release of the record would present a threat to the security of a juvenile, juvenile facility, or other person; provides that the department is not required to comply with a record request from a juvenile within the facility unless the requested record contains a specific reference to that individual; and allows persons to challenge denial of a record request pursuant to KRS 61.880(2).



**SB 132**

AN ACT relating to school facilities and making an appropriation therefor.

Creates new sections of KRS Chapter 157 to support and encourage the construction and renovation of school buildings using efficient design concepts; includes within the definition of “efficient school design” a building design that meets certification under other building performance certification systems; establishes a Kentucky efficient school design trust fund; requires the Department of Education to develop and adopt guidelines for efficient school design; requires the Department of Education and the Department for Energy Development and Independence to provide annual reports; amends KRS 157.420 to require the Kentucky Department of Education to standardize the process for evaluating the overall quality and condition of all school buildings to result in a consistent categorization of buildings for planning purposes; requires a third-party evaluation and use of an already established software-based system; requires the Kentucky Board of Education to promulgate an administrative regulation to establish the standardized evaluation process; includes the districts’ facility capacities, the current use of temporary facilities, and the projected enrollment growth as additional criteria for building evaluation; adds a noncodified section to require, by June 1, 2011, the department to determine the estimated amount of money that districts are expending for architect and engineering fees; and adds a noncodified section to require the department, with advice from the School Facilities Construction Commission, to issue a request for proposals for contracting with a third party for conducting statewide evaluations.

**SB 141**

AN ACT relating to persistent felony offenders.

Repeals KRS 210.360, relating to a mandatory mental examination of persistent felony offenders.

**SB 150**

AN ACT relating to business entities.

Creates and amends various KRS sections relating to corporations, partnerships, and limited liability companies (LLCs) to provide that limited liability provisions with those sections assign all personal responsibility for a person’s negligent or other wrongful acts to the person; clarifies filing requirements and due dates for annual reports and business dissolutions; provides greater specificity as to the listing of corporate officers; allows court-ordered meetings of a board of directors; allows conversion of a professional services corporation to a business corporation; creates greater consistency of a disinterestedness requirement in certain votes in an LLC; creates greater consistency of the rights of the holder of a charging order; establishes a consistent address for mailing notices of administrative dissolution or the revocation of a certificate of authority; provides clarification as to the effect of a merger involving an LLC; addresses the ability of a member in a member-managed LLC to resign and thereby on a prospective basis terminate fiduciary obligations; repeals KRS 275.340; and authorizes a study of low-profit limited liability companies by the Interim Joint Committee on Judiciary.

**SB 151**

AN ACT relating to business entities.

Creates various new sections of the new KRS Chapter 14A to create the Kentucky Business Entity Filing Act to establish uniform filing standards and procedures for business

corporations, nonprofit corporations, various forms of partnerships, limited liability companies, and business trusts with conforming amendments made to various sections located in the chapters governing the various forms of business entities; and repeals various sections in KRS Chapters 271B, 272, 273, 274, 275, 279, 362, 362.1, 362.2, and 386.

**SB 152**

AN ACT relating to business entities.

Reenacts without change the business-related provisions of 2007 HB 334 as passed and enacted into law that contained provisions to create and amend various statutes relating to business entities but that carried the title “AN ACT relating to postsecondary education.”

**SB 158**

AN ACT relating to powers and duties of the Department of Revenue.

Amends KRS 131.130 to allow the Department of Revenue to include examples to assist taxpayers in understanding and interpreting the tax laws as part of an administrative regulation and to allow those examples to include demonstrative, nonexclusive lists.

**SB 163**

AN ACT relating to adolescent reading skills.

Amends KRS 158.791 to express the General Assembly’s intent relating to reading in middle and high schools; directs the Department of Education to provide assistance in teaching strategies to help teachers improve students’ reading skills necessary to comprehend subject area concepts and content; amends KRS 158.840 to direct the department and others to identify and align student reading skills to meet state content standards under KRS 158.6453; encourages the development of comprehensive middle and high school adolescent reading plans; and amends KRS 164.0207 to require the Collaborative Center for Literacy Development to assist middle and high schools in the development of comprehensive adolescent reading plans and to maintain a repository of instructional materials.

**SB 175**

AN ACT relating to Government Contracts.

Amends various sections in KRS Chapter 45A to clarify the list of entities included in the definition of “contracting body”; authorizes the Government Contract Review Committee to determine the definition of “governmental emergency”; refines the definition of “memorandum of agreement” to allow the committee to establish reporting schedules for agreements exempt from routine review; exempts memoranda of agreement between state agencies and postsecondary institutions required by federal or state law from routine review; eliminates the review exemption for agreements between state agencies as required by federal or state law; corrects references to universities and colleges and institutions of higher education; refines the definition of “personal service contract” to include but not be limited to contracts requiring professional skill or judgment; includes contracts for personal or professional services and group health care for public employees; allows the committee to establish reporting schedules for exempt personal service contracts; exempts health maintenance organization or Medicaid-managed health care service contracts with the Cabinet for Health and Family Services from routine review; exempts contracts between postsecondary institutions and health care providers from routine review; exempts personal service contracts not requiring professional skill or

judgment for \$40,000 or less in a fiscal year from routine review; permits the secretary of the Finance and Administration Cabinet or president of a postsecondary institution to enter into personal service contracts requiring professional skill or judgment in an amount of \$40,000 or less during a fiscal year by obtaining three quotes when feasible; permits review of any determination of unfeasibility by the secretary of the Finance and Administration Cabinet or president of a postsecondary institution and the committee; prohibits delegation of decision-making authority by the secretary of the Finance and Administration Cabinet, except with respect to postsecondary institutions electing to implement procurement procedures in accordance with KRS 164A.575; deletes the requirement for annual reports; delineates powers of the committee; and specifies that competitive bids may not be required for authorized contracts with risk-bearing organizations responsible for Medicaid-managed health care services; VETOED.

**SB 176**

AN ACT relating to reverse auctions in government purchasing.

Amends KRS 45A.035 to require the Finance and Administration Cabinet to adopt regulations governing the use of reverse auctions; amends KRS 45A.070, 45A.345, and 56.440 to define “reverse auction”; amends KRS 45A.080, 45A.085, 45A.100, 45A.365, and 45A.370 to allow the use of reverse auctions in various nonconstruction procurement methods; amends KRS 56.803 to allow use of reverse auctions in procuring government leases; amends KRS 160.290 to allow the use of reverse auctions in local boards of education nonconstruction procurement procedures; amends KRS 164A.575 to allow the governing boards of higher education institutions to use reverse auctions in their nonconstruction procurement procedures; and amends KRS 58.600 to conform.

**SB 178**

AN ACT relating to evaluation of superintendents of schools.

Amends KRS 156.577 to clarify the evaluation requirements for the local superintendent; requires the superintendent to be evaluated based on procedures established by the local board and approved by the Kentucky Department of Education; requires that the summative evaluation be discussed and adopted in an open meeting of the local board of education and reflected in the minutes; specifies that if the local policy requires a written evaluation, it shall be made available to the public upon request; and requires that preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation be conducted in closed session.

**SB 180**

AN ACT relating to alternative certification for Teach for America participants.

Amends KRS 161.048 to establish an alternative teacher certification option for Teach for America participants under certain conditions; and provides that this option shall be considered a pilot program and an option during the time period from the effective date of this Act until the Race to the Top funding program under the American Recovery and Reinvestment Act of 2009 is completed but permits the option to continue by promulgation of an administrative regulation by the Education Professional Standards Board.

**SB 227**

AN ACT relating to philanthropy.

Creates new sections of KRS Chapter 147A to declare the title of the Act as the Endow Kentucky program; declares legislative purposes; defines terms; establishes the community endowment fund in the State Treasury; allows the Governor's Office for Local Development to establish grant programs related to the promotion of community foundations from out of the fund; provides for the certification of community foundations needed in order to receive grants from the fund; and establishes the Endow Kentucky Commission.

**SJR 169**

Ratifies the Louisville-Southern Indiana Ohio River Bridges Project Bi-State Authority;  
EMERGENCY.

**SJR 177**

Directs the State Apiarist to work with the Transportation Cabinet and with local beekeeping clubs to identify state-owned rights-of-way that could be made into pollinator habitat sites for bees; directs the State Apiarist to consult with the Department of Fish and Wildlife Resources to identify plant species that would be beneficial to bees; permits local beekeeping clubs to contribute to the Kentucky beekeeping fund and requires those funds to be used to purchase plants and signage; and requires the State Apiarist to report to the Interim Joint Committee on Agriculture by November 1, 2011.

**SCR 192**

Creates a task force of the Legislative Research Commission to study cost containment strategies for the Medicaid program; and requires a report by December 31, 2010;  
EMERGENCY.

## House Bills

### HB 1

AN ACT relating to public safety.

Amends KRS 403.720, relating to definitions for domestic violence sections, to change definition of “family member” to include a grandparent and any other person living in the same household with a child if the child is the alleged victim; deletes persons related by consanguinity or affinity to the second degree; defines “global positioning monitoring system” to exclude any monitoring device implanted in the body; amends KRS 403.740, relating to emergency protective orders, to add a restriction that the respondent not go to or within a specified distance of a specifically described residence, school, or place of employment of the petitioner or a minor child of the petitioner; permits restraining the adverse party from approaching the petitioner or a minor child of the petitioner within a specified distance not to exceed 500 feet; prohibits the use of a global positioning monitoring system for an emergency protective order; provides that an emergency protective order hearing shall be held within 14 days unless the respondent has not been summoned; permits emergency protective orders to remain in effect for 6-month periods that are renewable for additional 6-month periods for a total time not to exceed 2 years; creates a new section of KRS 403.715 to 403.785, relating to domestic violence, to permit the petitioner, respondent, or the court to obtain the respondent’s Kentucky criminal history information and domestic violence order compliance information prior to the domestic violence order hearing; requires the court to consider any information so obtained; permits the court to share the respondent’s criminal history information and domestic violence order information with parties and their counsel in accordance with the Rules of Civil Procedure; creates a new section of KRS 403.715 to 403.785, relating to domestic violence, to permit the court to recommend that the petitioner seek advice from the county attorney on a voluntary basis and for the county attorney to assist the petitioner in the filing of criminal charges if appropriate and if the petitioner so requests; permits the petitioner to continue with the civil domestic violence order proceeding in lieu of criminal prosecution; amends KRS 403.750, relating to permitted sanctions for domestic violence orders, to add restraining the adverse party from going to or within a specified distance of the residence, school, or place of employment of the petitioner or a minor child of the petitioner; permits the court to restrain the adverse party from approaching the petitioner or a minor child of the petitioner within a specified distance not to exceed 500 feet; prohibits ordering the respondent to wear a global positioning monitoring system device until after the court determines that a substantial violation of the domestic violence order has occurred; creates a new section of KRS 403.715 to 403.785, relating to domestic violence, to require testimony at a domestic violence hearing to be taken under oath; permits the petitioner to provide the court with a list of areas the respondent should be prohibited from; permits the respondent to object to the petitioner’s request; requires the court, when ordering restrictions, to specify them in writing; requires a specific demonstrable danger to the petitioner or a minor child of the petitioner when the court orders restrictions for the respondent; creates a new section of KRS 403.715 to 403.785, relating to domestic violence, to define which acts constitute a “substantial violation” of a domestic violence order; specifies requirements for a hearing on a substantial violation of a domestic violence order; requires the court to notify the petitioner and respondent on the court’s options for responding to the domestic violence order violation including but not limited to ordering global positioning monitoring for the respondent; requires the court to explain to the petitioner how a global positioning system works, including its limitations; permits the petitioner

to request a global positioning warning device; permits the petitioner to ask the court to have the respondent to stay away from specified locations; provides the respondent an opportunity to provide evidence why the respondent should not be ordered to participate in global positioning system monitoring; specifies what information the court shall provide to the petitioner and respondent regarding monitoring, restrictions, actions to take upon violation of the domestic violence order, the cost of monitoring, and administrative fees to be paid by the respondent; requires the Supreme Court to develop a sliding scale for reduced monitoring costs for indigent respondents and for monitoring services to accept those costs as payment in full, and other matters; provides that the Commonwealth, Court of Justice, and county are not responsible for monitoring costs; provides that unauthorized removal of the monitoring device or, tampering with the monitoring device, and other acts by the respondent are a Class D felony; provides that courts can order any other authorized sanction for the violation of the domestic violence order; creates a new section of KRS 403.715 to 403.785, relating to domestic violence, to set procedures for the respondent, after 3 months of compliance, to ask the court to lessen the required monitoring time or vacate the monitoring order; provides for petitioner and respondent testimony at hearing; provides that if the petitioner's request is denied, a new request cannot be made for 6 months; creates a new section of KRS Chapter 67 to permit a county or combination of counties to operate or contract for a global positioning monitoring system for domestic violence order violations and specified criminal matters; sets requirements for operation of the monitoring program; permits persons, organizations, or counties to pay all or part of the monitoring fee for monitored persons if the county would have otherwise had to pay for jailing the monitored person; provides for counties to impose an administrative fee for monitoring program participation by respondents or defendants; creates a new section of KRS Chapter 67 to specify bidding requirements, monitoring by the county of provider performance, and cancellation of contracts for violation of the contract; provides that counties can monitor persons in domestic violence situations, pretrial release of persons accused of crime, persons granted pretrial diversion in criminal cases, and persons granted probation or conditional discharge in criminal cases; provides that monitoring information is not a public record; provides for obtaining records through search warrant or subpoena; provides that unlawfully disclosing monitoring information is a Class A misdemeanor; amends KRS 431.517, relating to home incarceration as a form of pretrial release to authorize court, to order global positioning system monitoring for the defendant; amends KRS 431.520, relating to pretrial release of persons charged with a criminal offense, to authorize the court to order global positioning system monitoring for the defendant; amends KRS 533.250, relating to pretrial diversion in felony cases, to permit the defendant to request global positioning system monitoring or for the court to order monitoring; amends KRS 533.030, relating to probation and conditional discharge, to permit the court to order global positioning system monitoring for the defendant; amends KRS 15.334, relating to police training, to require the Justice and Public Safety Cabinet to require police in-service training on domestic violence and abuse at least once every 2 years; amends KRS 431.005, relating to arrests, to align definitions for "family member" and "member of an unmarried couple" with the definition in KRS 403.720; creates a new section of KRS Chapter 411, relating to criminal trespass, to create the crime of domestic violence center trespass by a person subject to a protection order as a Class A misdemeanor; provides that a person subject to a protection order may enter the facility with the permission of the operator of the facility; amends KRS 403.735, relating to domestic violence matters, to provide that if a court determines that the petitioner is not eligible for an emergency protective order, the court shall inform the

petitioner of the petitioner's ability to contact the county attorney with regard to criminal prosecution; and provides that the Act shall be known as "Amanda Ross Domestic Violence Prevention Act."

#### **HB 14**

AN ACT relating to Kentucky State Parks.

Creates a new section of KRS Chapter 148 to provide qualified Kentucky residents who are permanently and totally disabled veterans an exemption from the relevant overnight accommodations rate at any Kentucky State Park; requires the exemption to apply to a maximum of three overnight stays per calendar year at lodge rooms and campsites at any Kentucky State Park, with each stay limited to a maximum of 3 days; requires the exemption to be subject to space availability; limits reservations during peak months to Sunday through Thursday; and requires the promulgation of administrative regulations.

#### **HB 19**

AN ACT relating to military affairs.

Amends KRS 36.450, relating to extension of various licenses for military personnel, to provide that a concealed deadly weapon license issued pursuant to KRS 237.110 is not subject to extension but may be renewed early and by mail; and allows military personnel whose license is expired while on active duty to renew the license within 1 year after the end of deployment with no late fees or other penalties.

#### **HB 20**

AN ACT relating to investment of the Local Government Economic Assistance Fund balances.

Amends KRS 42.450 to eliminate the requirement that balances in the Local Government Economic Assistance Fund be invested in United States Government Securities maturing not later than 1 year from the date of investment and requires that investment of the fund balances be made by the State Investment Commission as established in KRS 42.500.

#### **HB 24**

AN ACT relating to highway signs.

Amends KRS 177.078 to permit an applicant approved for a limited supplemental guide sign to have the option to reimburse the Transportation Cabinet in full for the sign and its installation or to amortize the reimbursement costs for a period not to exceed 10 years.

#### **HB 28**

AN ACT relating to water transportation and making an appropriation therefor.

Creates new sections of KRS Chapter 174 to establish the Water Transportation Advisory Board as an advisory body to the executive and legislative branches of government; provides for members, terms, and administrative procedures; requires the governor to give consideration to including a representative from each river containing an operating public riverport in the membership of the Water Transportation Advisory Board; specifies duties; creates a riverport marketing assistance trust fund to be administered by the Cabinet for Economic Development; provides for grants of up to \$15,000 per project or \$30,000 per applicant annually for specified marketing activities; creates a riverport financial assistance trust fund to be administered by the

Transportation Cabinet; provides for financial assistance for new construction and major replacement or repair projects for Kentucky's riverports; provides for matching grants; requires the Cabinet for Economic Development to issue a semiannual report detailing all marketing grants awarded; requires the Transportation Cabinet to issue an annual report detailing all riverport financial assistance grants awarded; and requires the reports to be submitted to the Water Transportation Advisory Board, the Interim Joint Committee on Transportation, and the Interim Joint Committee on Appropriations and Revenue.

**HB 35**

AN ACT relating to crimes and punishments.

Amends KRS 532.356 to make discretionary rather than mandatory the suspension of driving privileges for persons convicted of theft offenses who have not paid their restitution.

**HB 38**

AN ACT relating to the American Medical Association's "Guides to the Evaluation of Permanent Impairment."

Amends KRS 342.0011 to define the American Medical Association's "Guides to the Evaluation of Permanent Impairment" as the fifth edition and, for psychological impairments, chapter 12 of the second edition; requires the executive director of the Office of Workers' Claims to study later editions and make recommendations to the General Assembly for adoption of later editions; prohibits adoption of a later edition unless approved by the General Assembly; and amends KRS 342.315, 342.316, 342.730, 342.7305, and 67A.460 to conform.

**HB 40**

AN ACT relating to special license plates.

Amends KRS 186.164 to clarify the notification procedures that follow when the Transportation Cabinet denies a group's application for a special license plate.

**HB 44**

AN ACT relating to mold remediation standards.

Creates new sections of KRS Chapter 367 to declare that the General Assembly finds that reasonable standards for the remediation of mold in private and public settings should be maintained; defines the terms "customer," "department," "mold," "mold remediation," and "mold remediation company"; requires the Department of Law to adopt administrative regulations relating to mold remediation standards; requires the Department of Law to consult with the Environmental and Public Protection Cabinet and the Department of Public Health before establishing the minimum standards for mold remediation; requires complaints about mold remediation companies to be directed to the Office of the Attorney General; and establishes that the Office of the Attorney General has jurisdiction to enforce the mold remediation provisions and the ability to recover litigation costs.

**HB 51**

AN ACT relating to suicide prevention training.

Amends KRS 156.095 to require the Cabinet for Health and Family Services to post suicide prevention awareness and training information on its Web page by August 1, 2010; and requires every public middle and high school administrator to disseminate suicide prevention



awareness information to all middle and high school students by September 1, 2010, and by September 1 of each year thereafter.

**HB 72**

AN ACT relating to the Colon Cancer Screening Program.

Amends KRS 214.542 to permit the Department for Public Health to adopt a schedule of income-based fees to be charged for colon cancer screenings; requires that the fee schedule be such that the screenings are available to the largest number of people; creates a new section of KRS 214.540 to 214.544 to create the Kentucky Colon Cancer Screening Program fund and establishes the parameters of the fund; requires moneys in the fund to be used by the department to administer KRS 214.540 to 214.544; requires that money remaining in the fund at the end of the fiscal year carry forward into the succeeding fiscal year and that interest earned on money in the fund accrue to the account; appropriates money for purposes set forth in KRS 214.540 to 214.544; and enacts provisions in memory of Richard "Butch" Stewart.

**HB 75**

AN ACT relating to honoring military service.

Amends KRS 18A.150 to require that an employing state agency offer an interview to all finalists entitled to preference points if there are fewer than five finalists and to no fewer than five if there are five or more; and clarifies veteran eligibility.

**HB 79**

AN ACT relating to the operation of golf carts on public roads

Amends KRS 189.286, relating to the ability of local governments to allow operation of golf cart on roads under their control, to eliminate language limiting the operation to a 5-mile radius of a golf course.

**HB 80**

AN ACT relating to the Kentucky Licensed Practical Nurses Organization.

Amends KRS 314.121 to change the licensed practical nurse (LPN) organization that has authority to nominate Board of Nursing members to the current LPN organization in Kentucky.

**HB 88**

AN ACT relating to campaign finance reports.

Amends KRS 121.180, relating to campaign finance reports, to allow a filer to designate an entry reading "No change since last report" if the filer has received or spent nothing since the date of the filer's last report; and requires the filer to specify only the balance carried forward from the last report if entry is designated; EFFECTIVE NOVEMBER 3, 2010.

**HB 96**

AN ACT relating to special license plates.

Amends KRS 186.041 to permit the surviving spouse of a Purple Heart recipient to keep a special license plate assigned to that recipient.

**HB 97**

AN ACT relating to elections.

Amends KRS 118.176 to add candidates for special elections to current definitions; amends KRS 118.315, 118.365, 118.367, and 118.770 to include political organization or political group candidates as candidates required to file nomination papers for a regular election; amends KRS 118.375 to permit political organization or political group candidates to file petitions of nomination for vacant elective offices and to change the period when petitions are allowed from when a vacancy occurs not less than 106 days before a regular election to not less than 3 months before a regular election; amends KRS 118.760 to establish procedures for the nomination of independent, political organization, or political group candidates for a special election; amends KRS 118A.100 to establish petition standards for candidates for an unexpired term of a judicial office; and amends KRS 118A.190 to establish a deadline for county boards of elections to certify vote totals to the Secretary of State following a primary or regular election.

**HB 98**

AN ACT relating to inspections of manufactured homes.

Amends KRS 227.570 to establish a fee not to exceed \$150 for inspection of new manufactured home installations; allows the Manufactured Home Certification and Licensure Board to set the fee through administrative regulation; authorizes the board to increase the fee by no more than 10 percent each year, with the limit still set at a total of \$150 after any increases; and deposits the proceeds from the inspection fee in the trust and agency fund.

**HB 104**

AN ACT designating the Corvette as the official state sports car of Kentucky.

Creates a new section of KRS Chapter 2 to designate the Corvette as the official state sports car of Kentucky.

**HB 106**

AN ACT relating to veterans' discharge papers.

Amends KRS 422.090 to delete the right of veterans and specified individuals to inspect discharge papers on file with Kentucky county clerks; provides that county clerks shall provide a copy, certified copy, or an attested copy of discharge papers to veterans and specified individuals; and requires the Kentucky Department of Veterans Affairs to send a reminder of the provisions of this statute to Kentucky county clerks annually.

**HB 114**

AN ACT relating to the name of the Pine Mountain Trail State Park.

Amends several statutes in KRS Chapter 148 on parks and tourism to rename the "Pine Mountain Trail State Park" the "Pine Mountain State Scenic Trail."

**HB 124**

AN ACT relating to petroleum storage tanks.

Amends KRS 224.60-142 to extend the deadline to July 15, 2013, to register underground petroleum storage tanks and to submit affidavits and applications relevant to current petroleum storage tank accounts; amends KRS 224.60-130 to extend the performance date for

reimbursement to July 15, 2016; and amends KRS 224.60-145 to extend to July 15, 2013, the small operator assistance account and small operator tank removal account.

### **HB 126**

AN ACT relating to insurance.

Amends KRS 304.2-210 to authorize the examination of each domestic insurer once every 5 years, rather than every 3 years; amends KRS 304.2-320 to require entities seeking a merger, acquisition, or other change of control to bear the cost of the public hearing notice; amends KRS 304.3-180 to prohibit an insurer from using the same lead or coordinating partner of an accounting firm, rather than the same accountant or partner, for preparation of its audited financial statement for more than 5 consecutive years; amends KRS 304.3-242 to require property and casualty insurers, unless specifically exempt, to annually file a summary of "Statement of Actuarial Opinion" in addition to the statement; specifies the allowed uses for the submitted opinion; limits liability of the actuary except in instances of gross negligence, fraud, or willful misconduct by the actuary; creates a new section of Subtitle 15 of KRS Chapter 304 to require the executive director of the Office of Insurance to develop a notice, by promulgation of administrative regulation, to inform the owner of a life insurance policy of his or her rights as an owner of the policy and to inform the owner of alternatives to lapse or surrender of the policy, including information regarding life settlements; requires the insurer to provide the notice to the owner of each policy issued when the insured is 60 years old or if the insurer is notified by specified means that the insured is terminally or chronically ill; and authorizes the executive director, by promulgation of administrative regulation, to limit the notice requirement to policies with a net death benefit that is \$100,000 or greater if it is determined that such limit is in the best interest of the citizens of the state and does not discriminate based on other specified factors.

### **HB 139**

AN ACT relating to compensation of county officers and employees.

Amends KRS 64.530 to require the compensation of county officers, employees, deputies, and assistants to be reasonable as fixed by the fiscal court.

### **HB 146**

AN ACT relating to retirement.

Amends KRS 61.645 to require that two of the three members appointed by the governor to the Kentucky Retirement Systems board of trustees possess 10 years of investment experience and to define "investment experience"; amends KRS 61.650 to establish a five-member investment committee for the Kentucky Retirement Systems comprised of the two gubernatorial appointees with investment experience and three trustees appointed by the board chair; limits the amount of assets managed by a single external investment manager to no more than 15 percent of the systems' portfolio; amends KRS 16.642 and 78.790 to clarify that the investment committee established by KRS 61.650 is the investment committee for the State Police Retirement System and the County Employees Retirement System; and limits the amount of assets managed by a single external investment manager to no more than 15 percent of the systems' portfolio.

**HB 149**

AN ACT relating to executive branch employees and declaring an emergency.

Amends KRS 18A.005 to clarify the definitions of “penalization,” “promotion,” “reclassification,” “reinstatement,” and “status” and to define “qualifying” and “re-entrance”; amends KRS 18A.030 to require the secretary of the Personnel Cabinet to propose selection method changes to the Personnel Board for review and comment, to set a time frame for the board to approve or reject the proposed changes, to establish and maintain a list of certain nonmerit positions that are filled, and to send the list to the Governor and the Legislative Research Commission beginning September 1, 2010, and every 6 months thereafter, indicating which positions that have been added since the last submission; amends KRS 18A.040 to provide that the secretary, not the commissioner, and the board shall ensure federal compliance where applicable; amends KRS 18A.045 to include personnel board members to those covered by portions of the Executive Branch Code of Ethics; amends KRS 18A.050 to allow elected members to serve for successive terms on the board; amends KRS 18A.0551 to change dates and procedures related to the board election; replaces references to an employee’s Social Security number with the employee’s unique personal identification number; amends KRS 18A.075 to clarify when the board may hear appeals, to require an annual report of the Personnel Board to be sent to the co-chairs of the Interim Joint Committee on State Government prior to October 1, to specify the content of the report, and to require the Personnel Board to review and comment on all proposed selection method change requests from the secretary of the Personnel Cabinet; amends KRS 18A.095 to allow an appointing authority to place an employee on administrative leave, with pay, from the time that the employee has received an intent to dismiss letter and prior to the agency’s final action; requires final actions of the board to be posted on a Web site; amends KRS 18A.111 to require former unclassified employees to serve an initial probationary period of 12 months if the employee is appointed to a position in the classified service, unless the employee has prior status within the system or had been separated from his or her unclassified position at least 180 days; amends KRS 18A.115 to require that positions approved under KRS 18A.115(1)(h) prior to August 1, 2010, be abolished effective December 31, 2010, unless reapproved, and positions approved after August 1, 2010, be for a 5-year period; amends KRS 18A.140 to allow employees to seek nonpartisan elected office if there is no perception of a conflict of office and if full disclosure of intent to run for the office is made to the employer of the prospective candidate; amends KRS 18A.195 to limit the amount of compensatory leave block payments for certain unclassified employees and to clarify that compensatory leave payments are limited to 240 hours for any employee who leaves state service; amends KRS 61.373 to clarify that upon release from a period of active duty or training, state employees in the National Guard or reserve Armed Forces have the right to return to employment and may appeal dismissal; and makes technical corrections; EMERGENCY.

**HB 151**

AN ACT relating to campaign finance.

Amends KRS 121.180(11) to remove the campaign finance reporting requirement for newspaper and magazine publishers, owners or lessors of billboards, radio or television stations or networks, or other persons or business entities that receive funds for advertising services or materials to support or oppose a slate of candidates for election to the offices of Governor and Lieutenant Governor.

## **HB 152**

AN ACT relating to elections.

Amends KRS 116.055 to permit members of political organizations and political groups to vote in primaries for nonpartisan races; amends KRS 117.035 to establish a process to select temporary replacements for a member of a county board of elections if a member is prohibited from serving, chooses not to serve, or cannot serve due to illness, injury, or other disability; amends KRS 117.045 to prohibit an election officer from being a candidate while serving as an election officer or from being an election officer in a precinct where the election officer has family members on the ballot; amends KRS 117.075 to give the clerk a 3-day period to mail a requested absentee ballot to a voter; amends KRS 117.085 to clarify the procedures relating to absentee ballots; amends KRS 117.187 to require a county board of elections to include the elections and voting equipment security plan in the training provided to election officers and to extend the training to special elections; amends KRS 117.265 to clarify the time for filing a declaration of intent; amends KRS 117.275 to specify procedures for handling return sheets and the records of voting equipment; amends KRS 117.295 to require that ballot boxes remain locked after voting; amends KRS 117.315 to add special elections to procedures relating to election challengers; amends KRS 117.355 to conform; amends KRS 118.425 to establish that the State Board of Elections count and tabulate the votes certified to the Secretary of State no later than the third Monday after the election; and repeals KRS 117.285.

## **HB 159**

AN ACT relating to behavioral disorders.

Establishes KRS Chapter 319B and creates a new section of KRS Chapter 319B to define terms relating to the practice of applied behavior analysis; creates a new section of KRS Chapter 319B to prohibit the practice of applied behavior analysis unless licensed pursuant to this chapter, except any person who provides applied behavior analysis services in a public school setting, or who implements applied behavior analysis intervention services to an immediate family member or as a supervisee, or who is licensed or certified, or who is registered as a health or allied health professional under any other provisions of the Kentucky Revised Statutes, or who provides applicable Medicaid waiver services; creates a new section of KRS Chapter 319B to create the Kentucky Applied Behavior Analysis Licensing Board and to establish the number, terms, and qualifications of members; creates a new section of KRS Chapter 319B to require the board to meet at least twice annually, to establish a quorum of the board, to authorize the board to employ an executive secretary and other clerical assistants as needed, to require the executive secretary or other necessary staff to give a performance bond to the state in an amount determined by the board and approved by the State Treasurer, and to require the executive secretary to receive and account for all moneys received under this chapter and to pay such moneys to the State Treasurer; creates a new section of KRS Chapter 319B to require the board to establish licensure requirements to practice applied behavior analysis in the state and to authorize the board to take the usual and necessary actions of a board to enforce the provisions of this chapter, to require the attorney general, Commonwealth's attorneys, and county attorneys to assist the board in these actions, and to require the board to keep a minute book, a register of all persons licensed under this chapter, to update board records annually, to publish a current directory of all licensees annually, and to adopt a seal to affix to every license and certificate granted by the board; creates a new section of KRS Chapter 319B to grant the board the right to regulate the practice of applied behavior analysis in the state including licensure, limitations of

activities, supervisions, educational qualifications, and continuing education requirements, and to promulgate administrative regulations relating to the licensure and regulations of applied behavior analysis practitioners; creates a new section of KRS Chapter 319B to authorize the board to deny an application or reregistration for a license and to probate, suspend, or revoke any license; creates a new section of KRS Chapter 319B to establish the requirements for licensure application; creates a new section of KRS Chapter 319B to require the board to issue a license to a person who holds a valid license or certificate from another state, who meets the licensure requirements of this chapter and any administrative regulations promulgated by the board, and who has no imposed or pending disciplinary actions; creates a new section of KRS Chapter 319B to require any licensee or employer of a licensee who has actual knowledge of facts relating to specified inappropriate behavior to report to the board; creates a new section of KRS Chapter 319B to require the board, after due notice and an administrative hearing conducted in accordance with KRS Chapter 13B, to refuse to issue or to take specified actions against an existing licensee or license holder and to establish the actions that may be the subject of disciplinary action by the board; creates a new section of KRS Chapter 319B to authorize the board to reinstate a license that has lapsed or been revoked and to authorize persons aggrieved by a final order of the board to appeal to the Franklin Circuit Court; creates a new section of KRS Chapter 319B to provide that all fees received by the board for licensure of practitioners of applied behavior analysis or penalties assessed by the board shall be deposited to a trust and agency fund to be used by the board without reversion to the general fund; creates a new section of KRS Chapter 319B to establish the appropriate use of telehealth for practitioners of applied behavior analysis and to authorize the board to promulgate necessary administrative regulations; creates a new section of KRS Chapter 319B to establish penalties for any person practicing applied behavior analysis without a license; creates a new section of Subtitle 17A of KRS Chapter 304 to define terms relating to applied behavior analysis and autism spectrum disorders; creates a new section of Subtitle 17A of KRS Chapter 304 to require that a large group health benefit plan provide coverage for the diagnosis and treatment of autism spectrum disorders for individuals between the ages of 1 and 21, including coverage in the annual amount of \$50,000 for individuals who are ages 1 through their 7<sup>th</sup> birthday, and to require coverage in the annual amount of \$12,000 for individuals who are ages 7 through 21; specifies treatments covered; amends KRS 304.17A-143 to require that individual and small group market health benefit plans provide coverage for autism spectrum disorders in the amount of \$1,000 per month for pharmacy care, psychiatric care, psychological care, therapeutic care, applied behavior analysis, and rehabilitative care for the treatment of autism spectrum disorders; deletes the \$500 monthly benefit and the provisions that established the requirements for coverage of autism; amends KRS 18A.225 to require that the state employee health benefit plan provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with the requirement for coverage under large group health benefit plans; and specifies that the provisions requiring health insurance coverage for autism spectrum disorders take effect January 1, 2011.

### **HB 160**

AN ACT relating to the establishment of common undergraduate college course credits for transfer and the awarding of degrees.

Creates a new section of KRS Chapter 164 to encourage public colleges and universities to limit bachelor degree programs to 120 credit hours and associate degree programs to 60 credit hours for first-time students enrolling in the 2012-2013 academic year and thereafter, except in

situations in which the quality and content or accreditation status of a program would be negatively impacted; directs the Council on Postsecondary Education to facilitate the development and implementation of a statewide agreement for alignment of Kentucky Community and Technical College System (KCTCS) lower-division coursework that shall be fully credited to related bachelors degree programs by all public universities; requires the agreement to specify the general education and program-specific learning outcomes of the coursework; requires that where applicable the curricula be reviewed to determine comparability of core content standards required by KRS 164.302; requires that coursework meeting the learning outcomes be accepted for transfer and degree credit whether earned as individual courses or within block programs; requires the development of a KCTCS statewide course numbering system for lower-division general education and program-specific prerequisite courses that include the same learning outcomes; requires establishment of a statewide course classification system and procedures to monitor the transfer and crediting of lower-division coursework, including a system of assessment to ensure comparability of coursework for transfer purposes; requires establishment of a procedure for approval of changes in learning outcomes at public universities; requires standardization of credit-by-exam equivalencies and common passing scores for national exams transferable for course credit; requires development of statewide articulation and transfer procedures including admissions criteria, student declaration of major, and student guidance and counseling policies to ensure that students provide timely notification of their intention to transfer to a public university degree program; requires development of a uniform data collection and reporting methods to facilitate compliance with course transfer and credit requirements; guarantees that, upon admission to a public university, graduates of an approved associate of arts or associate of science degree program shall be deemed to have met all general education requirements; provides that graduates of approved associate degree programs shall be granted admission to related upper-division bachelors degree programs of a state public college or university on the same criteria as those students earning lower-division credits at the university to which the student transferred; provides priority admission of associate degree program graduates to state public universities; establishes a commonality in public college transcripts to facilitate transfer from community and technical colleges; encourages private colleges to collaborate in transfer agreements; establishes an appeals process; requires that all articulation and transfer policies are consistent with the rules and regulations established by all appropriate discipline-specific accrediting bodies and agencies recognized by the United States Department of Education; requires that when a university seeks to change learning outcomes that affect lower-division courses, the university shall notify the council and KCTCS of the proposed changes at the same time as the initiation of the university's approval process; requires discussion with the council and the KCTCS to verify that a clearly defined path to a bachelor's degree program remains for those students planning to transfer; amends KRS 164.020 to conform; and amends KRS 164.001 to include the definition of "learning outcomes."

#### **HB 164**

AN ACT relating to the transfer of faculty and staff providing educational services to Department of Corrections' inmates and declaring an emergency.

Creates a new section of KRS Chapter 196 to transfer, effective July 1, 2010, from the Kentucky Community and Technical College System (KCTCS) to the Department of Corrections those employees who are engaged in providing educational services and support to inmates and

who choose to transfer to the Department of Corrections; requires those employees to choose whether to be transferred by June 15, 2010, after counseling with the Department of Personnel, KCTCS, and applicable retirement systems; provides employees who choose to transfer the choice of retirement benefits in either the Kentucky Teachers' Retirement System or hazardous duty in the Kentucky Employees Retirement System; amends KRS 61.510 to define the membership date for former KCTCS employees who were participating in a qualified 403(b) defined contribution plan; amends KRS 61.592 to include positions filled by former KCTCS employees who choose to be employed by the department with hazardous duty retirement in the definition of "hazardous position" and exempts the department from the requirement of requesting hazardous duty coverage for those employees; amends KRS 161.220 to include former KCTCS employees who choose to retain their KCTCS benefits in the definition of "member"; and provides that hazardous duty coverage, contributions, and benefits for employees who choose to be employed by the department under the provisions of KRS Chapter 18A begin on July 1, 2010, and continue while the employees are in positions providing educational service and support to inmates; EMERGENCY.

### **HB 165**

AN ACT relating to health insurance.

Amends KRS 304.17B-015 to require Kentucky residency for eligibility in Kentucky Access and to clarify that eligible individuals cannot be eligible for other group health insurance coverage but may be eligible for individual coverage; provides that dependents shall not be eligible for Kentucky Access if group coverage has been waived and clarifies by listing related individuals who are permitted to pay a member's premium; amends KRS 304.17B-019 to delete the requirements that one plan offered shall be the standard benefit plan; and amends KRS 344.040 to allow employers to charge smokers a higher rate for an employer-sponsored health plan and to offer incentives for smoking cessation.

### **HB 166**

AN ACT relating to debt adjusting.

Amends KRS 380.010 to define "debt adjuster," "debtor," "personal information," and "additional interested party," and amends the definition of "debt adjusting"; creates new sections of KRS Chapter 380 setting forth requirements regarding debt-adjusting contracts, including the requirement that contracts be in writing and signed and dated by the debtor; provides a debtor's right to cancel and sets forth provisions relating to cancellation; amends KRS 380.040 to clarify that a person must receive money or something of value to be engaged in "debt adjusting"; prohibits a debt adjuster from accepting a fee, contribution, or other consideration in advance of complete performance of promised services; requires debt adjusters to maintain a bond or irrevocable letter of credit in the amount of \$25,000 in favor of the Attorney General for the benefit of the Commonwealth or any person suffering injury or loss by reason of a violation of KRS Chapter 380; specifies that "secured debt" means debt primarily for personal, family, or household use that is secured by a mortgage, deed of trust, other equivalent security interest on residential real property, or collateral that has a mortgage lien interest in real property; amends KRS 380.040 to increase the insurance amount to \$250,000 and to increase the bond amount to \$50,000 if a debt adjuster deals with debts secured by a mortgage on a residence; enumerates activities in which a debt adjuster may not engage, including misappropriation of funds, settlement requirements, restrictions on powers of attorney, and misrepresentations; amends



KRS 380.990 to allow for imposition of a \$5,000 civil penalty for a violation of KRS 380.040 and stipulates that violations of KRS Chapter 380 are unfair, false, misleading, or deceptive trade practices, including the ramifications thereof; provides for a private right of action for persons entering into debt-adjusting transactions who have suffered loss of money or property, including the right to punitive damages and attorney's fees and costs; requires debt adjusters to adhere to stated information security standards; prohibits the sale of a debtor's personal information except under permitted circumstances; amends KRS 380.030 to clarify that attorneys admitted to the practice of law in this state are not to be considered debt adjusters; specifies requirements for agreements for debt adjusting; amends KRS 380.030 to exempt creditors when adjusting debts owed to them by the debtor from being debt adjusters; and creates a new section of KRS Chapter 380 to specify that this Act does not limit financial institutions' abilities to collect debts owed to them by debtors.

#### **HB 170**

AN ACT relating to the Commission on Fire Protection Personnel Standards and Education and making an appropriation therefor.

Amends KRS 95A.020 to require regular meetings of the Commission on Fire Protection Personnel Standards and Education; provides that a member who misses three or more regular meetings in a year is deemed to have resigned; requires the governor to fill any vacancy within 90 days; amends KRS 95A.030 to specify that the commission elects officers yearly; and amends KRS 95A.040 to allow the commission to support training and certification of professional firefighters.

#### **HB 171**

AN ACT relating to deeds.

Amends KRS 382.135 to make a technical correction to specify that the tax address is not necessary in deeds making certain types of conveyances.

#### **HB 172**

AN ACT changing the classification of the City of Cadiz, in Trigg County.

Reclassifies the City of Cadiz in Trigg County, population 2,563, from a city of the fifth class to a city of the fourth class. As provided in Section 156A of the Kentucky Constitution, the population requirements for the classification of cities established by the former Section 156 of the Constitution remain in effect until changed by law. Therefore, classification as a city of the fourth class requires a population of 3,000 to 7,999.

#### **HB 175**

AN ACT relating to bees.

Creates a new section of KRS Chapter 350 to declare the importance of supporting pollinator habitats on reclamation sites to accelerate revegetation and improve soil and hydrologic stability; creates a new section KRS Chapter 2 to designate the honeybee as the official state agricultural insect of Kentucky; amends KRS 350.113 to include pollinator colonies in the planting reports; amends KRS 350.435 to include pollinator habitats when dealing with introduced species on reclamation sites; and requests the interim joint committee with jurisdiction over mine reclamation to examine the issue of pollinator habitats and ways to support beekeeping on mine reclamation sites.

**HB 176**

AN ACT relating to schools and declaring an emergency.

Amends KRS 160.346 to define “persistently low-achieving school” and other terms; sets forth intervention options; specifies responsibilities of audit teams; specifies timelines for the commissioner of education to act upon audit teams’ recommendations; directs the Kentucky Board of Education to schedule a special meeting to act upon any appeal of an action by the commissioner of education; requires each persistently low-achieving school to engage in one of the established intervention options or other model recognized in the federal No Child Left Behind Act or its successor; requires replacement of school council members along with the principal under restaffing and transformation options unless the audit reports recommended otherwise; states that professionally negotiated contracts do not override personnel decisions relating to the options of restaffing, school closure, or school transformation; and includes noncodified language to require the Kentucky Department of Education to include in the Race to the Top application an intent to work with Advance Kentucky to expand the number of schools participating by 20 each year for a 4-year period; EMERGENCY.

**HB 179**

AN ACT relating to health care practitioners.

Creates new sections of KRS Chapter 314 to provide immunity to persons and agencies that file a complaint, provide sworn or written statements, or otherwise participate in an investigation or administrative proceeding unless the persons or agencies acted in bad faith or with recklessness or malicious purpose; requires a licensee, credential holder, privilege holder, or applicant who is the subject of an investigation by the Board of Nursing to cooperate fully with the investigation; provides that investigative information in possession of the board or employees relating to licensure or applicant discipline are privileged and confidential and not subject to discovery, subpoena, or other means of legal compulsion for release; permits the board to share information with other authorized public agencies pursuant to subpoena or with the licensee or applicant under investigation; amends KRS 156.070, 156.160, 156.4975, 156.502, 159.030, 186.042, 194A.454, 202A.161, 205.560, 205.5636, 211.395, 212.275, 216.370, 216B.175, 216B.176, 217.015, 218A.010, 218A.202, 281.873, 304.17-312, 304.17A-005, 304.17A-575, 304.17A-578, 311.669, and 311A.170 to change the terminology from advanced registered nurse practitioner to advanced practice registered nurse; amends KRS 314.011 to define the terms “population focus” and “conviction” and amends the definitions of “advanced practice registered nurse” and “advanced practice registered nursing”; amends KRS 314.042 and 314.043 to change the terminology from registration and designation to licensure; requires applicants for licensure as advanced practice registered nurses to be certified in at least one population focus; amends KRS 314.031 to require reporting of any nurse who violates patient confidentiality; amends KRS 314.071 to delete the requirement for the board to verify the accuracy of an application upon receipt of the application and fee and to issue a license upon verification; requires renewal notices be sent to the licensee’s address of record; amends KRS 314.073, 314.109, 314.121, 314.195, and 314.040 to update terminology to conform; amends KRS 314.091 to delete the term “conviction”; amends KRS 314.013 to add nurse and dialysis technician to those who the board is permitted to require a fingerprint check as part of a criminal background check; amends KRS 314.108 to require an applicant for licensure to notify the board in writing if any professional or business license issued to the applicant by any agency of the Commonwealth or another jurisdiction is surrendered or terminated, refused, suspended, revoked, or denied

renewal; requires the applicant to submit a certified copy of the order and a letter of explanation with the application; amends KRS 314.111 to require the board to set standards for nursing education programs that prepare advanced practice registered nurses and to approve programs that meet the standards; requires a school that has failed to correct deficiencies to the satisfaction of the board to be subject to an administrative hearing to determine whether it shall be closed; amends KRS 314.171 to require the board to disclose to the public a nurse's participation in the alternative to discipline program and to limit the content of the disclosure; amends KRS 314.193 to change the name of the Advanced Registered Nurse Practice Council to the Advanced Practice Registered Nurse Council; changes the requirement that any additional education recommended by the council be recognized jointly by the nursing and medical professions to recognition by the nursing profession; deletes the prohibition on members serving more than two consecutive terms; amends KRS 18A.197 to allow an advanced practice registered nurse to certify an employee's need for absence and use of sick leave from the sick leave sharing program; amends KRS 158.035 to permit a child eligible to enroll as a student in any public or private elementary school to enroll if the child presents an immunization certificate from either a physician or an advanced practice registered nurse; amends KRS 163.525 to enable a person to obtain certification as deaf, hard of hearing, or severely speech impaired from an advanced practice registered nurse in order to be eligible for a telecommunication device for the deaf; amends KRS 199.8982 to include a statement from an advanced practice registered nurse that the applicant for a family child-care home is in good health; amends KRS 214.010 to require an advanced practice registered nurse to report communicable diseases; amends KRS 214.181 to permit an HIV test to be ordered by an advanced practice registered nurse; amends KRS 214.625 to allow an advanced practice registered nurse to order HIV tests, inform the patients of the results, provide information and counseling, or refer the patient for treatment and counseling; amends KRS 214.645 to require an advanced practice registered nurse that receives a positive report of an HIV test he or she has administered to report that result to the Cabinet for Health and Family Services; amends KRS 216.935 to allow a home health aide to assist with medication ordered by a physician or advanced practice registered nurse; repeals and reenacts KRS 313.010 to 313.130 regarding the licensing and regulation of dentists and dental specialists and defines terms; establishes the Kentucky Board of Dentistry and its appointment and meeting procedures; establishes duties of the board; requires the board to administer and enforce the provisions of the chapter and to promulgate administrative regulations to establish requirements for students, education, licensure or registration, and license renewal; directs the board to establish and oversee the Office of the Kentucky Board of Dentistry for the provision of administrative services; establishes committees and subcommittees, including the Law Enforcement Committee and Well-Being Committee; affiliates with the American Association of Dental Boards; requires the board to employ and to determine the compensation for an executive director and attorney; mandates the development of a biennial budget; directs the board to promulgate administrative regulations to establish a schedule of fees not to exceed the national average of other state dental boards; directs the credit and disbursement of funds; establishes biennial period of renewal and application process; requires licensees to produce their license or registration upon demand and to post the license conspicuously at the place of employment; requires the board to promulgate administrative regulations relating to dentists, including classification and licensure, student and faculty limited licenses, retirement or reinstatement of a license, charity licenses, and sedation and anesthesia permits; exempts licensees from civil damages when rendering emergency care; grants dentists prescriptive authority and ability to sign death certificates; requires the board to

promulgate administrative regulations relating to dental hygienists, including minimum classification and licensure requirements, general supervision privileges, and anesthesia registration; establishes conditions under which a dental hygienist may practice independently or in a volunteer community health setting; prohibits a dental hygienist from examining or providing dental health service to a patient who has not been seen by the supervising dentist within the previous 7 months; establishes conditions for public health hygienists; requires the board to promulgate administrative regulations to define registration requirements, duties, training, and standards of practice for dental assistants; requires dental assistants to practice under order and control of a licensed dentist; establishes conditions for coronal polishing in list of services; establishes the services prohibited for dental assistants; authorizes procedures for auxiliary personnel; establishes dental practice requirements; requires dental practitioners and surgeons to practice under their own name; establishes contractual requirements for continuing operations of a deceased or incapacitated dentist's practice; directs dentists using telehealth to ensure patient's informed consent and confidentiality; permits a licensed dentist to delegate use of block and infiltration anesthesia and nitrous oxide analgesia to a dental hygienist; requires dental laboratories to employ a certified dental technician or a licensed dentist; prohibits a dentist from using a dental laboratory without first furnishing the laboratory with a written work order; permits dental laboratories that employ or contract with a dentist to construct, alter, repair, or duplicate dentures, plates, bridges, splints, orthodontics, or prosthetic appliances if the patient's care is supervised by the referring dentist; prohibits persons not licensed or registered under this Act from practicing as a dentist, dental assistant, or dental hygienist; allows students to perform dental work; grants jurisdiction to the Circuit Court of the county in which an alleged offense occurred; establishes restrictions on and prohibited activities for persons not licensed or registered with the board; establishes penalties and disciplinary actions; permits the Law Enforcement Committee to issue emergency orders; establishes a hearing process and that appeals shall be made to the Circuit Court of the county in which the licensee resides; establishes requirements for complaints, investigations, notification, preliminary inquiry, hearing, order, appeals, and discipline; imposes sanctions and disciplinary actions for violations; permits the board to require mental or physical examinations for cause; establishes and oversees the Well-Being Committee to promote early identification, intervention, treatment, and rehabilitation of impaired licensees; requires confidentiality and conditions for the disclosure of information; amends KRS 48.315, 214.615, 214.620, and 311.668 to conform; amends KRS 313.254 to extend a charitable dentist license's validity to 10 days during a given event; allows online application for temporary charitable licensure; requires applicants to submit themselves to a National Practitioner Databank query; grants immunity from civil liability for individuals that operate charitable dentistry events; directs the staff of the Legislative Research Commission to assess the advantages and disadvantages of locating a Commission on Dental Accreditation educational program specializing in dentistry or denture technology at one of the public universities or technical colleges; encourages personnel at the University of Kentucky, University of Louisville, and the Kentucky Community and Technical College System to study the feasibility of creating a dentistry program in their available courses of study; and repeals KRS 313.140 to 313.250 and KRS 313.255 to 313.990.

### **HB 180**

AN ACT relating to massage therapy.

Amends KRS 309.350 to define “compensation”; amends KRS 309.352 to specify limitations of the range; amends KRS 309.354 to specify residency requirements for board members; amends KRS 309.355 to require the board to create standards of educational program curriculum and instructor qualifications and to provide for injunctive relief in the Circuit Court of the county where the alleged violation occurred; amends KRS 309.357 to provide penalties for renewal after a license has expired and for practicing on an expired license; amends KRS 309.358 to make technical correction and allow other examinations approved by the board; amends KRS 309.363 to specify a fee and to require instructors to have subject-specific education and experience; creates a new section of KRS Chapter 309.350 to 309.364 to require entities offering instruction in massage therapy to maintain a certificate of good standing; and repeals KRS 309.360.

### **HB 182**

AN ACT relating to retirement.

Amends KRS 21.540 to permit the Judicial Form Retirement System board of trustees to promulgate administrative regulations to conform with federal statutes and regulations and to meet the qualification requirements under 26 U.S.C. Section 401(a).

### **HB 188**

AN ACT relating to trusts and estates.

Creates new sections of KRS Chapter 381 to establish new standards and requirements relating to the rule against perpetuities in Kentucky; amends KRS 386.185 to increase to \$50,000 the cap on the size of a trust that may be terminated and distributed upon court order; amends KRS 386.450 to modify the definitions of “notice” and “district court approval”; amends KRS 386.454 to add additional considerations for a fiduciary in considering potential adjustments between principal and income; amends KRS 386.480 to address allocations of payments made from a separate fund; amends KRS 386.715 to delineate to whom a trustee’s duties are owed while a trust is still revocable; amends KRS 391.030 to increase to \$2,500 the amount of money a surviving spouse may initially withdraw from estate funds prior to administration and to establish a structure for the initial \$15,000 estate set aside where the decedent dies having left a valid will; amends KRS 392.080 to set out the form to be used by a surviving spouse in renouncing a will; amends KRS 286.3-219, 381.223, and 386.478 to conform; and repeals KRS 381.215, 381.216, and 381.217.

### **HB 199**

AN ACT relating to motor vehicle license plates.

Amends KRS 186.041 to allow the purchase of an unlimited number of special military-related license plates; establishes a Gold Star Fathers special license plate; amends KRS 186.164 to set eligibility requirements for the Gold Star Fathers special license plate; allows persons to purchase additional Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses special license plates beyond the two exempted from fees; and amends KRS 186.162 to establish fees for additional Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses special license plates.

**HB 201**

AN ACT relating to water districts.

Amends KRS 74.020 to allow removal of water district commissioners as prescribed under KRS 74.455; allows the Public Service Commission to fill vacancies resulting from death, resignation, or removal of the commissioner within 90 days; requires a new commissioner training program to be conducted by the Public Service Commission annually and permits the Public Service Commission to promulgate administrative regulations to implement the training program and charge a fee for the program; requires newly appointed commissioners to have 12 hours of annual training and makes forfeiture of office the penalty for failure to complete the training requirements; allows the commission to recover the cost of the training program from the water district; requires notification of the Public Service Commission in 30 days of a vacancy; allows entities other than the commission to provide training; and amends KRS 74.363 to conform.

**HB 202**

AN ACT relating to deferred compensation.

Amends KRS 18A.230 to define “authority” as the “Kentucky Public Employees’ Deferred Compensation Authority”; amends KRS 18A.250 and 18A.255 to allow state employees to use electronic records, signatures, or contracts in transactions with the Kentucky Public Employees’ Deferred Compensation Authority; and amends KRS 18A.270 to allow employees of a city, county, or other political subdivision to use electronic records, signatures, or contracts in transactions with their deferred compensation program.

**HB 204**

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to rename the Governor’s Office of Local Development the Department for Local Government; and confirms Executive Order 2009-540.

**HB 215**

AN ACT relating to natural resources.

Amends KRS 146.415 to correct a technical error in a definition; amends KRS 350.130 to allow notices of noncompliance of a coal mining violation to be sent by electronic mail to the permittee and to declare service of notice effective upon delivery of the notice to the recipient’s inbox by electronic mail.

**HB 216**

AN ACT relating to special Fraternal Order of Police license plates.

Amends KRS 186.162 to establish an extra fee of \$5 initial and \$10 renewal for special Fraternal Order of Police license plates; and directs that the extra fee benefit the Fraternal Order of Police Death Benefit Fund.

**HB 217**

AN ACT relating to location of car dealerships.

Creates a new section of KRS Chapter 190 to prohibit the granting of a license for a new motor vehicle dealership or the relocation of an existing new motor vehicle dealership, within a

10-mile radius of a former dealership whose franchise was revoked by the manufacturer for grounds other than those provided in KRS Chapter 190; allows the granting of a license for a dealership within that 10-mile radius if the manufacturer can show proof that the franchise was offered to the original franchisee and the original franchisee refused the offer; and requires the prohibition against granting a new motor vehicle dealer license outlined in this Act to remain in effect for 10 years from the date of revocation of the original franchise by the manufacturer.

## **HB 220**

AN ACT relating to building safety and making an appropriation therefor.

Creates new sections of KRS 198B.400 to 198B.540, relating to elevator safety, to allow only a licensed elevator mechanic working under the general supervision of an elevator contractor to install or work on elevators and fixed guideway systems; indicates conditions when a licensed elevator contractor is not required; forms the Elevator Advisory Committee within the Office of Housing, Buildings and Construction; establishes committee membership and meeting rules; requires licensure from the office to work as an elevator mechanic or elevator contractor; requires an elevator mechanic license for any person who is a regular and bona fide full-time employee of a public university and who performs only routine maintenance on elevators for the public university; exempts a public university employing this type of elevator mechanic from elevator contractor licensure; prohibits the public university elevator mechanic from any activities normally allowed under an elevator mechanic license except for routine maintenance; allows the office to promulgate administrative regulations necessary to implement the elevator safety program; sets licensure qualifications and application requirements for elevator contractors and mechanics; allows for annual license renewal; permits the office to issue emergency and temporary licenses; mandates 8 hours of continuing education for each elevator contractor and mechanic license renewal; requires various types of insurance coverage for elevator contractors; allows elevator contractors and mechanics with 3 years of verifiable experience to practice without meeting the license requirements if they apply before July 1, 2012; disclaims any effect on the liability of any persons or the Commonwealth as a result of KRS 198B.400 to 198B.540; lists reasons for licensee discipline and establishes related hearing and appellate procedures; establishes the elevator safety program trust fund as a separate revolving fund to be administered by the office; amends KRS 198B.400 to define terms; amends KRS 198B.410 and 198B.420 to include fixed guideway systems within the coverage of the safety act; allows any person to request and the office to conduct an investigation of an alleged violation of the safety act; amends KRS 198B.450 to clarify that the \$1 certificate replacement fee applies only to elevator inspectors; amends KRS 198B.460 to relieve elevator or fixed guideway system owners or lessees from the requirement to provide registration information if the office already has the information in its possession; requires elevators and fixed guideway systems for which construction has begun after July 1, 2011, to be registered at the time they are completed and placed in service; amends KRS 198B.470 to exempt listed types of devices from the annual inspection requirements, including material lifts, grain elevators, mine elevators, and freight elevators at a licensed distillery; amends KRS 198B.480 to require office approval for elevator or fixed guideway system changes or repairs; amends KRS 198B.490 to allow the office to consult with engineering authorities and organizations on safety standards; lists national standards for the office to follow or modify when promulgating administrative regulations related to safety standards; mandates that any office standards be consistent with the Kentucky standards of safety and the uniform state building code; amends KRS 198B.510 to require that

new elevator and fixed guideway system installations be performed by a licensed elevator contractor; mandates an inspection of all new elevators, platform lifts, and stairway chairlifts in private residences; permits future inspection of devices at private residences at the request of the owner; amends KRS 198B.520 to set out circumstances in which a construction or repair permit may be revoked or expired; amends KRS 198B.530 to make all preexisting statutory elevator fines payable to the elevator safety program trust fund; makes technical corrections; names KRS 198B.400 to 198B.540 the “Kentucky Elevator Safety Act”; creates new sections of KRS Chapter 198B, relating to qualifications, application, and renewal certification requirements for fire sprinkler inspectors; requires a fire sprinkler inspector to obtain liability insurance from an insurer permitted to transact insurance business in Kentucky; provides for grandfathering of existing fire sprinkler inspectors who meet the requirements until July 1, 2012; permits a waiver if an individual from another jurisdiction meets certain requirements; requires the executive director to establish through administrative regulation an inactive status, the procedures necessary to implement the fire sprinkler inspector certification program, waiver of insurance requirements for inactive certifications, the reactivation procedure, and criteria for continuing education providers and courses; adds standards to be utilized for inspections; sets forth hearing, disciplinary, and certification revocation procedures; and includes an effective date of July 1, 2011.

**HB 224**

AN ACT relating to the Kentucky Sports Authority.

Amends KRS 148.590, which establishes the Kentucky Sports Authority and the composition of its membership, to change the meeting schedule of the authority and to clarify the statutory mission of the authority.

**HB 231**

AN ACT relating to psychiatric residential treatment facilities.

Amends KRS 216B.450 and 216B.455 to establish that current psychiatric residential treatment facilities shall now be known as Level I psychiatric residential treatment facilities; establishes Level II licensed psychiatric residential treatment facilities; redefines “psychiatric residential treatment facility”; defines “qualified mental health personnel” and “qualified mental health professional”; deletes the provisions that create psychiatric residential treatment facility districts; requires the Cabinet for Health and Family Services to investigate the need for specialty foster care and posttreatment services for persons discharged from Level I and Level II psychiatric residential treatment facilities and to submit a report to the governor and the Legislative Research Commission; creates a new section of KRS 216B.450 to 216B.459 to establish the certificate of need requirements, facility requirements, staff requirements, and resident care requirements for Level II psychiatric residential treatment facilities; requires the Cabinet for Health and Family Services to promulgate administrative regulations relating to the operation of Level II psychiatric residential treatment facilities; and requires an annual report be provided to the Interim Joint Committee on Health and Welfare.

**HB 233**

AN ACT relating to insurance licensing.

Amends KRS 304.9-020 to update the definitions of “agent,” “apprentice adjuster,” “catastrophe,” “public adjuster,” “independent adjuster,” and “staff adjuster,” to reflect new



uniform definitions, to move the definitions for “rental vehicle agent” and “rental vehicle agent managing employee” from KRS 304.9-501, and to amend the definition of “negotiate” to provide that negotiation may only be performed by a person engaged in the act of selling or obtaining insurance from insurers for purchasers and to provide that this definition of negotiate does not apply to negotiating a claims settlement; amends KRS 304.9-105 to clarify that a license will “terminate,” rather than be revoked, if a producer fails to provide proof of financial responsibility; amends KRS 304.9-133 to remove the requirement that licensed business entities file an annual report of all designated individuals not terminated on or prior to December 31; amends KRS 304.9-150 to provide that a business entity applicant or licensee shall not be authorized to transact insurance in the state if the applicant or licensee uses a name that is the same or deceptively similar to the name of another authorized business entity licensee; amends KRS 304.9-230 to add rental vehicle insurance as a limited line of authority; amends KRS 304.9-260 to add independent or public adjuster to the resident license renewal requirements for continuing education, to clarify that a penalty for failure to comply with the renewal procedures will be assessed from the first day after expiration, to clarify that the producer will have a 60-day grace period to provide continuing education compliance documentation, a renewal fee, and a penalty fee payment before the license will expire, and to delete the required acceptance of any renewal request and fees with no penalty 30 days after the expiration date; amends KRS 304.9-280 to provide that, beginning July 31, 2012, an independent or public adjuster licensee shall complete 24 hours of continuing education, including 3 hours of ethics, unless exempted, and to clarify the termination-without-cause provisions; amends KRS 304.9-295 to clarify that a license will expire, rather than terminate, for noncompliance with the continuing education requirements; amends KRS 304.9-421 and 304.9-425 to adopt language from the NAIC Producer Licensing Model Act to expand the scope to all licensees and to exempt override commissions from the prohibition on sharing of commission or other compensation; amends KRS 304.9-430, 304.9-432, and 304.9-436 and creates new sections of Subtitle 9 of KRS Chapter 304 to adopt model producer legislation including clarification that a person who is an employee of a licensed independent adjuster, an affiliate of an independent adjuster, or is supervised by a licensed independent adjuster who supervises no more than 25 people is exempt from licensure requirements if he or she collects claim information, enters data into an automated claims adjudication system, or furnishes claim information to insureds or claimants from the automated claims adjudication system; amends KRS 304.9-505, 304.9-507, and 304.9-509 to provide conforming changes that rental vehicle insurance will now be governed by general statutes related to limited lines of authority; amends KRS 304.12-100 and 304.12-100 to conform; and repeals KRS 304.9-070, 304.9-485, 304.9-501, 304.9-503, and 304.9-513.

### **HB 237**

AN ACT relating to coordinated benefits for Kentucky National Guard members returning from deployment and declaring an emergency.

Amends KRS 38.030 to permit the governor to authorize active duty pay for National Guard members injured while on state active duty rather than for members injured during the 2009 winter storm; EMERGENCY.

**HB 240**

AN ACT relating to the promotion of the efficient use of energy, making an appropriation therefor, and declaring an emergency.

Repeals and reenacts KRS 56.770 relating to definitions; repeals and reenacts KRS 56.775 relating to construction or renovation of public buildings; repeals and reenacts KRS 56.777 relating to the High-Performance Buildings Advisory Committee; repeals and reenacts KRS 56.782 relating to reporting requirements; repeals and reenacts KRS 141.435 relating to definitions; repeals and reenacts KRS 141.436 relating to income tax credits for energy-efficient products; repeals and reenacts KRS 141.437 relating to income tax credits for ENERGY STAR homes and ENERGY STAR manufactured homes; repeals and reenacts KRS 141.0205 relating to credit ordering; repeals and reenacts KRS 151.720 relating to hydroelectric generating units; repeals and reenacts KRS 160.325 relating to the Kentucky Energy Efficiency Program; repeals and reenacts KRS 278.285 relating to residential utility meters; repeals and reenacts KRS 158.808 relating to energy technology career track programs; repeals and reenacts KRS 152.713 relating to the creation of the Center for Renewable Energy Research and Environmental Stewardship; repeals and reenacts KRS 56.772, 56.774, 56.776, 56.778, 56.783, and 56.784 relating to conforming changes; repeals and reenacts KRS 42.580, 42.582, 42.584, 42.586, and 42.588 relating to the Kentucky Bluegrass Turns Green Program; reaffirms bond authorizations contained in 2008 Regular Session HB2/EN; and amends the bond authorization to fiscal year 2010-2011 for the Kentucky Bluegrass Turns Green Program for private and public demand-side management projects; EMERGENCY.

**HB 241**

AN ACT relating to captive insurers.

Amends KRS 304.49-010 to expand the definitions of “captive insurer,” “consortium,” “consortium captive insurer,” and “controlled unaffiliated business”; amends KRS 304.49-040 to require that a consortium, sponsored, or agency captive insurer maintain unimpaired paid-in capital and surplus of not less than \$500,000, to decrease the minimum free surplus for a captive insurer organized as a reciprocal insurer from \$1 million to \$500,000, and to authorize the executive director to approve a surplus note for capital and surplus requirements; amends KRS 304.40-050 to authorize the executive director to rescind approval and require repayment of captive insurer dividend payments made in excess of the approved amount; amends KRS 304.49-060 to provide that all captives may be formed as a limited liability company, limited liability partnership, or statutory trust in accordance with the 2007 amendments to the state corporations, nonprofit, partnership, limited partnership, and business trust laws; amends KRS 304.49-070 to incorporate various minor changes for streamlining financial filings and clarifying optional filing and report requirements for captives with nontraditional fiscal year accounting schedules; amends KRS 304.49-100 to consolidate investment requirements for all captive insurers, except an industrial insured captive insurer, by requiring all captive insurers to establish, monitor, and control their investment strategy, which shall not be subject to the limitations contained in Subtitle 7 of KRS Chapter 304; authorizes the executive director to prohibit or limit any investment that threatens the company’s solvency or liquidity; deletes the separate restrictions and deletes the separate provisions for investment requirements for the various captive insurers; amends KRS 304.49-110 to clarify the requirements for a captive insurer to provide reinsurance on risks ceded by another insurer or captive; amends KRS 304.49-130 to clarify that in the normal course of business, this section does not prohibit

captive insurers from entering into reinsurance or pooling transactions; amends KRS 304.49-170 to authorize, rather than require, the executive director to promulgate administrative regulations establishing standards for risk management functions of any controlled unaffiliated business insured by a pure captive insurer and to authorize the executive director to approve the coverage of such risks; amends KRS 304.49-180 to include other legal or statutory entities that may be converted or merged with and into a reciprocal insurer; amends KRS 304.49-220 to add self-insurers to the exemption from the reinsurance premium tax; amends KRS 304.49-222 to require a captive insurer's manager to be approved by the executive director and to delete the requirement that the manager be a resident of Kentucky; amends KRS 304.49-226 to clarify that the executive director shall be notified of any change in the operations of the captive insurer's financial condition or management by the management, the insurer, or the manager; requires a captive insurer to notify the executive director of any changes in the officers, directors, owners, captive manager, actuary, or auditor; and authorizes a captive insurer to make loans to its parent company or affiliate if evidenced by a note and with the approval of the executive director.

### **HB 251**

AN ACT relating to stray animals.

Creates a new section of KRS Chapter 259 to define "local government," "stray equine," and "stray cattle"; amends KRS 259.110 to specify when stray equines and cattle may be taken up and posted; amends KRS 259.120 to remove some restrictions on when a stray equine may be taken up; removes the fee to be paid to the justice of the peace for posting the stray equine or cattle; requires the record of the posting to be displayed in the sheriff's office instead of on the courthouse door; removes the requirement that a record of the posting be published pursuant to KRS Chapter 424; removes the distinction between stray equines and cattle younger than 2 years of age and older than 2 years of age; allows the taker-up to recover the actual costs incurred for keeping the stray equines or stray cattle; allows the taker-up to recover from the true owner the actual cost of gelding a stray equine; amends KRS 259.130 to shorten the period for absolute title to the stray equine to vest in the taker-up from 2 years to 90 days; amends KRS 259.140 to allow the taker-up to sell the stray equines or stray cattle; allows the true owner to claim the proceeds from the sale less the costs for keeping the stray equines or stray cattle; provides civil and criminal immunity for local government employees acting in good faith in discharging their duties under the Act; amends KRS 259.990 to remove penalties that no longer apply to certain sections of the chapter; and repeals KRS 259.150, 259.160, 259.170, 259.180, and 259.190.

### **HB 261**

AN ACT relating to special Gold Star Fathers license plates.

Amends KRS 186.162 to create a Gold Star Father's license plate with the same fees as the Gold Star Mothers plate; amends KRS 186.041 to allow two Gold Star Fathers license plates per eligible recipient; and amends KRS 186.164 to set forth eligibility requirements.

### **HB 262**

AN ACT relating to inspections of commercial motor vehicles.

Amends KRS 189.227 to change references to "weighmasters" to "commercial motor vehicle inspectors"; transfers employment of commercial motor vehicle inspectors from the Transportation Cabinet to the State Police; amends KRS 281.755 to allow any peace officer designated by the State Police to make an inspection of any motor vehicle operating under the

provisions of KRS Chapter 281; applies the changes to KRS 281.755 retroactively but shall not be construed to permit the prosecution of a person whose vehicle was inspected by a peace officer who did not, prior to the effective date of this Act, have authority to perform inspections under KRS Chapter 281; and makes technical corrections.

#### **HB 264**

AN ACT relating to financial institutions.

Amends KRS 160.570 to authorize a depository appointed by a local board of education to provide collateral in accordance with KRS 41.240, rather than execute a performance bond; amends KRS 382.270 to delete the date restriction prior to July 12, 2006, for recording a deed or mortgages to constitute constructive notice of the contents if the instrument is not acknowledged or proved according to law; amends KRS 382.430 to clarify that the a note or other evidence of indebtedness lodged for record with a county clerk shall be recorded unless the address of the person or the address of the principal place of business of a corporation that owns or holds the evidence of indebtedness is contained in the note or other evidence of indebtedness and to provide that a recorded mortgage shall not be deemed invalid or ineffective as constructive notice for failure to include the county of residence in the mortgagee's address; amends KRS 425.126 to update terms to include security entitlement and securities intermediary, in accordance with KRS 355.8-102(1) and 355.8-201; specifies that the requirements contained in the order relating to a security, an option or right to acquire a security, and a security entitlement be valid against any securities intermediary or nominee or agent of either; establishes the requirements for a good-faith written request for information regarding possession, custody or control of a security, or option or right to acquire a security or entitlement; requires provision of the statement within 10 days of the request; amends KRS 427.150 to limit the exemption of retirement funds as property from an estate for the purposes of 11 U.S.C. sec. 522(b)(3) in a federal bankruptcy proceeding to the extent allowed by applicable federal law; disallows the exemption for amounts contributed to a retirement account within 120 days of filing for bankruptcy or before the entry of judgment or other ruling against the debtor or the issuance of a levy, attachment, garnishment, or other execution or order if the exemption is being applied in other than a federal bankruptcy proceeding; amends KRS 427.160 to limit the \$1,000 general real or personal property exemption to federal bankruptcy proceedings to the extent allowed by federal law; amends KRS 427.170 to limit the exemptions provided by the 11 U.S.C. sec. 522(b)(2) for debtors residing in Kentucky to property of the debtor's bankruptcy estate in a federal bankruptcy proceeding; amends KRS 355.9-518 to specify that a correction statement filed by a bank, subsidiary, or affiliate shall affect the effectiveness of the record if an officer of the entity filing the statement provides the information required by KRS 355.9-218(2) in a written statement, if the officer's written statement provides his or her title and information identifying how the filer qualifies as a bank, subsidiary, or affiliate, if the officer's written statement is acknowledged before a notary public, and if the record to which the corrections statement relates was originally filed by or refers to a record filed by the entity filing the correction statement; and amends KRS 355.9-510 to conform.

#### **HB 265**

AN ACT relating to crimes and punishments and declaring an emergency.

Creates new sections of KRS Chapter 218A to prohibit possession of, trafficking in, and cultivation of synthetic cannabinoid agonists or piperazines and imposes penalties; amends

KRS 218A.010 to define “synthetic cannabinoid agonists or piperazines” and excludes certain substances from the definition; amends KRS 218A.050 to include synthetic cannabinoid agonists or piperazines in the list of Schedule I controlled substances; amends KRS 217.065, relating to misbranded drug or device, to include synthetic cannabinoid agonists or piperazines; amends KRS 218A.1401, relating to selling controlled substances to a minor, to exclude synthetic cannabinoid agonists or piperazines; amends KRS 218A.141, relating to additional penalties for trafficking, to include trafficking in synthetic cannabinoid agonists or piperazines; amends KRS 218A.1411, relating to trafficking in a controlled substance in or near school, to exclude offenses relating to synthetic cannabinoid agonists or piperazines; amends KRS 218A.1413 to exclude synthetic cannabinoid agonists or piperazines from the offense of trafficking in a controlled substance in the second degree; amends KRS 218A.1416 to exclude synthetic cannabinoid agonists or piperazines from the offense of possession of a controlled substance in the second degree; amends KRS 218A.276, relating to a rehabilitation program for possessors of marijuana, to include possessors of synthetic cannabinoid agonists or piperazines; amends KRS 218A.410, relating to property subject to forfeiture, to exclude misdemeanor offenses relating to synthetic cannabinoid agonists or piperazines in certain circumstances; amends KRS 218A.500, relating to drug paraphernalia, to modify the penalty; amends KRS 218A.992, relating to enhancement of penalty for drug offense when in possession of a firearm, to exclude offenses involving synthetic cannabinoid agonists or piperazines; amends KRS 530.064, relating to unlawful transaction with a minor in the first degree, to exclude activity involving synthetic cannabinoid agonists or piperazines; amends KRS 189.010 to create a per se DUI offense if certain listed drugs are detected in a driver’s blood and the driver lacks a prescription for those drugs and to lower the blood alcohol level required for an aggravated DUI offense from 0.18 to 0.15; and amends KRS 189A.040, 189A.050, 189A.070, 189A.085, 189A.090, 189A.105, and 189A.240 to conform; EMERGENCY.

### **HB 268**

AN ACT relating to coal mines.

Amends KRS 304.44-030 to increase reinsured value from \$100,000 to \$300,000 per structure and to create coverage up to \$25,000 for living expenses incurred from displacement due to mine subsidence; amends KRS 304.44-050 to require reinsurance agreements at the new coverage levels; and amends KRS 351.315 to require at least 8 hours of annual training during the preceding 3 years for the renewal of a Kentucky blaster’s license and to allow that no more than 4 hours of that training be attributed to attending a conference unless the department approves the additional hours.

### **HB 276**

AN ACT relating to boards and commissions.

Creates a new section of Subchapter 10 of KRS Chapter 224 to establish a procedure for small independent occupational or professional boards and commissions to use the administrative services of the Division of Occupations and Professions; defines an “independent board or commission” to mean an executive branch agency created by statute that serves the primary purpose of licensing, certifying, registering, or otherwise regulating any occupational or professional category; excludes any executive branch board or commission that is a part of another executive branch agency or any board or commission that is under the authority or jurisdiction of the General Assembly or the judicial branch; exempts any board or commission

within any branch of state government if the board or commission is expressly designed to study an issue or to expire within a time certain; directs any new independent board or commission to use the division's services unless the board or commission demonstrates that it will regulate more than 100 persons; requires that both new and existing independent boards and commissions submit a report to the division and to the Licensing and Occupations Committee if the board fails to regulate at least 100 persons for two consecutive fiscal years; includes the number of persons regulated and a detailed financial accounting for the board for each of the two fiscal years in the report; directs the board to either outline its plan to increase its regulated community alone or through merger with another state board or entity to meet the 100-person threshold or allow the division to assume its administrative duties; requires an independent board or commission that fails to regulate 100 persons for five consecutive fiscal years to turn over its administrative duties to the division; amends KRS 224.10-052 to expand the administrative services provided by the Division of Occupations and Professions to include those brought about by the 2-year and 5-year independent board and commission threshold analysis.

**HB 278**

AN ACT relating to relating to local government premium taxes.

Amends KRS 91A.0804 to make a technical correction; amends KRS 304.10-180 to require each broker to pay the local government premium tax pursuant to KRS 91A.0810, rather than KRS 91A.0808; amends KRS 91A.0810 to clarify that specified documents for newly issued policies and renewed policies include the premium charge for the tax period and taxing jurisdiction information; amends KRS 91A.080, 91A.0806, and 91A.0810 to conform; and allows an exemption to the license fee or tax imposed under KRS 91A.080 for premiums paid to insurance companies by nonprofit, self-insurance groups whose membership consists of cities, counties, charter county governments, urban-county governments, consolidated local governments, school districts, or any other political subdivisions of the Commonwealth beginning July 1, 2010, and ending June 30, 2012.

**HB 283**

AN ACT relating to coal mine permits and declaring an emergency.

Amends KRS 360.060 to increase the surface coal mining permit fee from \$375 to \$2,500 and to increase the permit renewal fee from \$375 to \$750; amends KRS 350.070 to increase the surface coal mining permit amendment and the permit revision fees from \$375 to \$1,750; amends KRS 350.135 to increase the surface coal mining permit transfer fee; amends KRS 350.139 to exempt these permit fees from being placed into the General Fund and to transfer a portion of those fees to county fiscal courts; and retains the balance within the Division of Mine Permits; EMERGENCY.

**HB 284**

AN ACT relating to insurance.

Amends KRS 304.11-020, relating to unauthorized insurers, to exempt commercial insurance policyholders; amends KRS 304.13-053 to repeal obsolete provisions regarding mandated workers' compensation rate adjustments; amends KRS 304.14-435 to clarify that all insurance forms, not just applications, can be in a language other than English under certain conditions; amends KRS 304.14-545, 304.14-622, and 304.17-415 to clarify that group policies that are individually marketed are subject to return of unearned premiums; amends

KRS 304.14-615 to clarify that long-term care costs, not long-term care, of insurance charges must be in any summary disclosure requirements if applicable; amends KRS 304.15-350 to make a technical correction to a cross-referenced statute; amends KRS 304.15-717 to clarify that an antifraud plan is required, rather than permitted, to be filed with the Department of Insurance; amends KRS 304.33-430 to make a technical correction; amends KRS 304.39-060 to remove the requirement to file a no-fault rejection form with each policy offered to a prospective applicant; amends KRS 304.40-075 to require requests for medical malpractice premium reimbursements to be submitted no later than 1 year from the expiration of the policy for which the reimbursement is being requested; amends KRS 304.45-050 to correct a technical reference; amends KRS 304.47-020 to raise the felony amount for insurance fraud from \$300 to \$500; amends KRS 342.817 to require rates for the voluntary market and the market of last resort be filed individually with the Office of Insurance on forms prescribed by the executive director of the Office of Insurance; and repeals KRS 304.17A-071, relating to the Kentucky Health Purchasing Alliance.

## **HB 285**

AN ACT relating to pediatric abusive head trauma.

Includes noncodified language to acknowledge a current pilot project designed to educate parents about pediatric abusive head trauma at three Norton Healthcare hospitals and requests that preliminary results be shared with the Interim Joint Committee on Health and Welfare by November 2010; amends KRS 15.334 to include the dynamics of pediatric abusive head trauma and model protocols to address pediatric abusive head trauma as mandatory training subjects for law enforcement officers; creates a new section of KRS Chapter 158 to encourage inclusion of a segment on pediatric abusive head trauma in health education curriculum in Kentucky high schools; amends KRS 194A.454 to encourage the secretary of the Health and Family Services Cabinet to include an educational component covering the recognition and prevention of pediatric abusive head trauma as a part of the initial and continuing education for Department of Community Based Services front-line child protection staff; creates a new section of KRS Chapter 197 to require that a course covering the prevention and recognition of pediatric abusive head trauma be made available to inmates in state penitentiaries and encourages local jailers to include a similar course; creates a new section of KRS Chapter 199 to require that foster parents who receive children younger than the age of 5 undergo approved continuing education training at least once every 5 years; allows the secretary of the cabinet to collaborate with certain organizations and agencies to approve the courses; amends KRS 199.896 to require employees and owners of child care centers to take a 1.5-hour course once every 5 years as a part of their continuing education requirements covering the recognition and prevention of pediatric abusive head trauma; amends KRS 199.8982 to require that family child care providers complete 1.5 hours of training in the prevention and recognition of pediatric abusive head trauma at least once every 5 years; amends KRS 211.690 to require that the HANDS program include an educational component on the recognition and prevention of pediatric abusive head trauma; creates a new section of KRS Chapter 216B to define "urgent treatment facility" and require urgent treatment facilities to make a course relating to the prevention and recognition of pediatric abusive head trauma available at least once every 2 years; amends KRS 311.844 to require physician assistants complete 1.5 hours of continuing education covering the recognition and prevention of pediatric abusive head trauma once by December 31, 2013; amends KRS 311A.120 to require emergency medical technicians or first responders to complete

1.5 hours of continuing education covering the recognition and prevention of pediatric abusive head trauma at least once every 5 years; creates a new section of KRS Chapter 311A to require paramedics to complete 1.5 hours of continuing education covering the recognition and prevention of pediatric abusive head trauma at least once every 5 years; amends KRS 314.073 to require nurses to complete 1.5 hours of continuing competency requirements covering the recognition and prevention of pediatric abusive head trauma at least once by December 31, 2013; amends KRS 335.130 to mandate licensed social workers and licensed clinical social workers to complete 1.5 hours of continuing education covering the recognition and prevention of pediatric abusive head trauma at least once every 6 years if continuing education is required; and amends KRS 620.020 to define “pediatric abusive head trauma.”

**HB 287**

AN ACT relating to economic development.

Amends KRS 154.22-050 to allow an existing tax incentive agreement under the Kentucky Rural Economic Development Act program to be extended from 15 years to up to 25 years under specified conditions.

**HB 289**

AN ACT relating to retirement.

Amends KRS 6.525, 16.645, 61.690, 78.545 161.700, and 21.540 to require the Kentucky Employees Retirement System, the County Employees Retirement System, the State Police Retirement System, the Kentucky Teachers’ Retirement System, the Legislators’ Retirement Plan, and the Judicial Retirement Plan to honor qualified domestic relations orders if the orders meet the requirements established by the retirement systems or plan and by these sections; amends KRS 16.505, 61.510, 78.510, 161.220, and 21.540 to define a “qualified domestic relations order” as any judgment, decree, or order issued by a court or administrative agency that relates to the provision of child support, alimony payments, or marital property rights to an alternate payee and to define an “alternate payee” as a former spouse, child, or other dependent of a member or retired member of the retirement systems; amends KRS 161.620 to clarify that the minimum benefit payment will not apply if the order reduces the member’s payment below the minimum; amends KRS 161.585 to provide procedures for responding to and providing testimony when an employee of the Kentucky Teachers’ Retirement System is subpoenaed; amends KRS 161.700 to conform to KRS 403.190(4); and amends KRS 21.540 to provide authorization for the Judicial Form Retirement System to promulgate administrative regulations.

**HB 293**

AN ACT making appropriations for the operations, maintenance, support, and functioning of the Judicial Branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

Appropriates to the Judicial Branch Budget \$328,774,800 in fiscal year 2010-2011 and \$354,264,500 in FY 2011-2012 from the General Fund, Restricted Funds, and Federal Funds; provides that no funds are appropriated for salary adjustments for nonelected court personnel, justices, judges, and Circuit Court clerks; provides that the state payroll normally paid on June 30, 2012, not be issued prior to July 1, 2012, and allows the Chief Justice to transfer any Restricted Funds that become excess as the result of this action; provides that funds in the Court Operations and Administration appropriation unit carry forward; provides that if the Supreme



Court retains the 2008 increase in civil filing fees, the additional income, not to exceed \$5 million in each fiscal year, shall be deposited in a trust and agency account for court operations; requires the Administrative Office of the Courts to continue the operations and current schedule of night court in Okolona and Middletown in Jefferson County; provides funds to compensate local units of government for providing court space and for costs incurred in the development of local court facilities; provides that funds in the Local Facilities Fund carry forward; provides that the use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington remaining open to traffic; provides that funds in the Local Facilities Use Allowance Contingency Fund carry forward; provides funds for the Judicial Retirement System at 44 percent in FY 2010-2011 and 48 percent in FY 2011-2012 of the actuarial assessed judicial retirement benefits; clarifies that nothing in this Act shall reduce funding of court facility projects authorized by the General Assembly; provides that if a court facility project is occupied and use allowance funding is insufficient, use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund; provides that if funding is not available in the Local Facilities Use Allowance Contingency Fund, then the use allowance payments are deemed a necessary government expense; authorizes leases; provides the Director of the Administrative Office of the Courts with expenditure authority; provides for severability of budget provisions, duplicate appropriations, and priority of individual appropriations; provides that any unexpended balance remaining in the Court's Restricted Funds or Federal Funds accounts carry forward; provides for the final budget document; provides for transferability of funds; provides for appropriations revisions; includes funds for trial commissioner salaries as provided for in the Judicial Branch Budget Recommendation; and provides for participation in any Budget Reduction Plan or Surplus Expenditure Plan.

#### **HB 295**

AN ACT relating to the Building Inspectors' Financial Incentive Training Program Fund.

Amends KRS 198B.095 to change the annual funding for the Building Inspectors' Financial Incentive Training Program from \$150,000 to \$125,000; requires funds annually resulting from plan review fees in excess of \$125,000 to be used solely for the operating costs of the Office of Housing, Buildings and Construction's building inspection program if the fund balance exceeds \$125,000; and requires any interest earnings of the trust fund to become a part of the fund and not lapse.

#### **HB 297**

AN ACT relating to nonprofit motor vehicle dealers.

Creates a new section of KRS 190.010 to 190.080 to require nonprofit motor vehicle dealers and nonprofit motor vehicle dealers salesperson to be licensed by the Motor Vehicle Commission; requires a nonprofit motor vehicle dealer to comply with the provisions of KRS Chapter 190, with certain exceptions; restricts a nonprofit motor vehicle dealer to selling vehicles only to clients of the organization or other individuals who meet the definition of a client who are referred to the organization by other nonprofit or governmental agencies; requires the Motor Vehicle Commission to promulgate administrative regulations to set forth procedures for license application; amends KRS 190.010 to define the terms "nonprofit motor vehicles dealer" and "client"; amends KRS 190.030 to exempt nonprofit motor vehicle dealers from the requirements to have a lot or permanent building and operate from a fixed address; sets the fee

for a nonprofit motor vehicle dealer license at \$100 and exempts nonprofit motor vehicle dealer salespersons from license fees; and amends KRS 190.035 to conform.

### **HB 298**

AN ACT relating to the collection of property taxes and declaring an emergency.

Amends KRS 134.010 to define “priority certificate of delinquency”; amends KRS 134.119 to clarify responsibility for the processing of payments received by the sheriff after certificates of delinquency have been transferred to the county clerk and to require the sheriff to provide updated address information to the property valuation administrator; amends KRS 134.121 to provide that a transferee shall not be entitled to collect legal fees or expenses incurred in pursuing collection of a certificate of delinquency; amends KRS 134.122 to require the clerk to return a certificate of delinquency to the sheriff upon request so the sheriff can process payment and to require the clerk to provide any updated address information to the property valuation administrator; amends KRS 134.125 to clarify how interest is calculated on certificates of delinquency; amends KRS 134.127 to delete provisions prohibiting the sale of certificates of delinquency relating to unmined coal, oil or gas reserves, or other mineral or energy resources; amends KRS 134.128 to correct a drafting error and to require personal property certificates of delinquency to be advertised; amends KRS 134.128 to require that a date be set for the sale of priority certificates of delinquency and to require that a process be established for county clerks to identify, verify, and sell priority certificates of delinquency; amends KRS 134.490 to provide that third parties holding unmined minerals certificates shall obtain updated address information from the Department of Revenue and to permit the department to charge up to \$2 for providing the information; provides that third-party purchasers offering installment payment plans may not charge, assess, or collect from the taxpayer any fees, charges, interest, or other amounts in excess of what is permitted by KRS Chapter 134; amends KRS 134.504 to require at least 20 days between the two notices sent from the county attorney to the delinquent taxpayer and to address how partial payments should be handled if a payment plan is in default; amends KRS 134.546 to allow the department to provide unmined minerals information to third-party purchasers upon a court order; amends KRS 134.990 to allow as an additional penalty the revocation of a third-party purchaser registration and prohibition from participating in future sales; amends KRS 132.180 to correct an erroneous reference; amends KRS 131.190 to allow the department to provide unmined minerals information to third-party purchasers upon a court order and to allow the department to charge a fee for such information not to exceed the greater of the actual cost of providing the information or \$10; amends KRS 134.126 to conform; and provides that the fee structure established by KRS 134.119 shall apply for calendar year 2009; EMERGENCY.

### **HB 300**

AN ACT relating to emergency authority for pharmacists.

Creates a new section of KRS Chapter 315 to authorize the governor during a declared state of emergency to grant pharmacists the emergency authority to dispense up to a 30-day supply of medication, to administer immunizations to children pursuant to protocols established by the Centers for Disease Control and Prevention, the National Institutes of Health, or the National Advisory Committee on Immunization Practices or determined to be appropriate by the commissioner of public health, to operate temporarily a pharmacy in an area not designated on the pharmacy permit, and to dispense drugs as needed to treat or prevent the ailment that caused

the emergency pursuant to protocols established by the Centers for Disease Control and Prevention or the National Institutes of Health or determined to be appropriate by the commissioner of public health to respond to the circumstances causing the emergency; creates a new section of KRS Chapter 315 to permit the Kentucky Board of Pharmacy to promulgate administrative regulations; amends KRS 39A.100 to permit the governor to grant emergency authority to pharmacists; amends KRS 217.215 to permit pharmacist to administer up to a 30-day supply of maintenance medication; amends KRS 315.010 to include the administration of immunizations of children during a declared state of emergency in the definition of “practice of pharmacy”; amends KRS 315.035 to authorize pharmacists to temporarily operate a pharmacy in an area not designated on the pharmacy permit; and amends KRS 315.121 to conform.

### **HB 302**

AN ACT relating to Bluegrass Station, making an appropriation therefor, and declaring an emergency.

Appropriates debt service and authorizes agency bonds for the Department of Military Affairs to construct a hangar at Bluegrass Station; EMERGENCY.

### **HB 316**

AN ACT relating to oaths.

Amends KRS 62.020 to include retired and senior status justices and judges to persons who may administer oaths.

### **HB 319**

AN ACT relating to taxation.

Amends KRS 131.010 to add definitions for “electronic fund transfer” and “specified tax return preparer”; creates a new section of KRS Chapter 131 to establish a centralized statute for the administration of electronically filed returns and to require that returns filed by a specified tax return preparer shall be electronically filed; amends KRS 131.155 to establish a centralized statute for the administration of electronic fund transfers; amends KRS 131.990 to add a penalty for failing or refusing to electronically file a return as required; makes conforming changes; and repeals KRS 160.6145.

### **HB 323**

AN ACT relating to charter county governments.

Amends KRS 132.010 and 133.010 to define “county,” “fiscal court,” and “county judge/executive” to also mean charter county government, the legislative body of a charter county government, and the chief executive officer of a charter county government, respectively; creates a new section of KRS 67.825 to 67.875 to clarify that charter county government taxes are subject to recall when the tax rates would produce revenue in excess of 4 percent of the previous year’s revenue; and creates a new section of KRS Chapter 68 relating to county finance to define “county,” “fiscal court,” and “county judge/executive” to also mean charter county government, the legislative body of a charter county government, and the chief executive officer of a charter county government, respectively.

**HB 327**

AN ACT relating to school athletics and declaring an emergency.

Amends KRS 156.070 to require the Kentucky Board of Education or any agency designated by the state board to manage interscholastic athletics to promulgate administrative regulations that permit the hiring of a nonteaching or noncertified person in a coaching position; specifies the qualifications necessary for a person to be employed in a coaching position; requires the regulations to specify the post-hire requirements for a nonteaching or noncertified coach; allows a local school board to specify additional post-hire requirements for a coach; amends KRS 158.070 to allow students to be counted present at school, for a maximum of 2 days per student per year, when participating in school-sponsored regional or state sports competitions sanctioned by the Kentucky Board of Education or its designated agency if the competition occurs on a regularly scheduled school day; requires students to make up any missed assignments; and amends KRS 158.649 to conform; EMERGENCY.

**HB 329**

AN ACT relating to retirement.

Amends KRS 61.542 to prohibit members of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System from changing the beneficiary designation for their retirement allowance on or after the first day of the month in which the member receives his or her first payment rather than on or after the date the State Treasurer issues the first payment; makes technical corrections; amends KRS 61.590 to prohibit a member or beneficiary of a member of the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System from changing the payment option for their retirement allowance on or after the first day of the month in which the member receives his or her first payment rather than on or after the date the State Treasurer issues the first payment; amends KRS 16.578, 61.630, and 61.640 to conform and to make technical corrections; amends KRS 16.642, 61.650, and 78.790 to give the Kentucky Retirement Systems' investment committee authority to implement the investment policies adopted by the board rather than giving the committee the authority to implement investment policies; and authorizes the change in registration of securities to be completed in accordance with written policies adopted by the Kentucky Retirement Systems' board rather than upon the signature of the board chair and executive director.

**HB 339**

AN ACT relating to military affairs.

Creates new sections of KRS Chapter 171 to create the Commonwealth of Kentucky War of 1812 Commission; provides for membership, terms, organization and duties; and provides that the commission shall expire January 31, 2015.

**HB 347**

AN ACT relating to the Kentucky quarter horse, appaloosa, and Arabian development fund and making an appropriation therefor.

Amends KRS 138.510 to establish the Kentucky standardbred development fund and to provide funding to the Kentucky quarter horse, appaloosa, and Arabian development fund; requires the sponsor of an international horse racing event held in the Commonwealth in 2010 to contract on a date specific to conduct that same event in Kentucky in 2011 or 2012 in order for

wagers associated with the event to qualify for tax exemption; imposes a tax on wagers if no contractual agreement exists by November 4, 2010, and directs the collected revenue into the thoroughbred, standardbred, and quarter horse development funds; provides similar requirements for wagers placed at Kentucky racetracks other than the track hosting the event; amends KRS 230.3771 to include quarter horse, appaloosa, and Arabian horse racing in simulcast provisions; provides funding to the Kentucky quarter horse, appaloosa, and Arabian development fund; amends KRS 230.770 to conform; amends the deadline for registering standardbred stallions to February 1 of each year; and creates a new section of KRS Chapter 230 creating the Kentucky quarter horse, appaloosa, and Arabian development fund, establishing its uses, and assigning the Kentucky Horse Racing Authority responsibility for its administration.

### **HB 356**

AN ACT relating to real estate brokers and salesmen.

Amends KRS 324.090 to require annual license renewal on a date specified by the Real Estate Commission through administrative regulation; amends KRS 324.112 to increase from 50 to 100 miles the radius outside of which a principal broker is required to have a broker managing a branch office; permits a sales associate with 2 years' experience to manage a branch office within 100 mile radius of the main office; amends KRS 324.330 to direct the commission to require licensees to provide a telephone number, an e-mail address, or both, at annual renewal; amends KRS 324.410 to increase from 60 to 120 days after the end of the fiscal year the time frame within which the commission shall make public a statement of income and expenses from the real estate education, research, and recovery fund.

### **HB 363**

AN ACT relating to the Transportation Cabinet.

Amends KRS 446.010 to define "AVIS" as the automated vehicle information system; amends KRS 186A.170 to eliminate the requirement that title information records be kept on microfilm and instead allow for other methods of storage; amends KRS 186.050 to eliminate the registration fee for motorcycle sidecars; and amends KRS 186.535 to conform.

### **HB 374**

AN ACT relating to the election of faculty representatives to boards of regents.

Amends KRS 164.321 to permit an instructor to vote for a faculty representative to a board of regents in one of the comprehensive universities.

### **HB 376**

AN ACT relating to health care professionals and making an appropriation therefor.

Creates a new section of KRS 157.310 to 157.440 to require a salary supplement for speech-language pathologists and audiologists employed by local boards of education if funding is appropriate for such purpose and to permit local boards of education to provide a supplement from other resources if funding is not provided; requires, as a condition of receiving the supplement, that a speech-language pathologist or audiologist be employed by a local board of education to provide or coordinate speech-language pathology or audiology for students, hold a certificate of clinical competence from the American Speech-Language Hearing Association or the American Board of Audiology, and hold credentials from the Education Professional Standards Board or a license issued by the Kentucky Board of Speech-Language Pathology and

Audiology; requires that the salary supplement be equivalent to the stipend paid to teachers who have attained National Board of Professional Teaching Standards certification; requires that if the amount appropriated by the General Assembly is less than the amount necessary to meet the requirements, the Kentucky Department of Education shall reduce the supplement proportionally so that all eligible individuals receive the same amount; requires that the salary supplement be eliminated if the speech-language pathologist or audiologist is employed in another capacity in which the provision of the language pathology or audiology is secondary to that person's other teaching or administrative duties; directs the department to determine how many speech-language pathologists and audiologists qualify for the supplement each year, determine the amount of the supplement based on appropriated funds available, notify each local board of the supplement amount available, and develop a process for payment of supplement funds to local boards; requires inclusion of the supplement for Kentucky Teachers' Retirement System to request calculations; creates new sections of KRS Chapter 319B, regarding the licensing and regulation of practitioners of prosthetics, orthotics, and pedorthics; defines terms; establishes the Kentucky Board of Prosthetics, Orthotics, and Pedorthics and its appointment and meeting procedures; clarifies board liability to include the requirement that current or former board members or affiliated persons act with ordinary care; clarifies the method for reimbursement of board member expenses; delineates the duties of the board; requires the board to administer and enforce the provisions of the chapter and to promulgate administrative regulations to establish factors for licensure of prosthetists, orthotists, pedorthists, and orthotic fitters; states additional powers of the board, including the authority to employ needed personnel and contract with the Division of Occupations and Professions for the provision of administrative services; establishes board duties related to continuing education requirements of licensees; declares rules for actual physical licenses, practice authorization, and scope of practice; grants licensees 30 days to inform the board of a name change or a change in employment, home address, or telephone number; extends the deadline for practicing under prior certification to January 1, 2013; sets a December 31, 2012, deadline for practice under prior certification and a December 31, 2012, deadline for practicing without a license from the board; clarifies that both major certifying boards for pedorthists are considered equivalent for pedorthist certification and standards of practice until superseded by the board's standards on January 1, 2013; permits the board to use an alternative mechanism to license individuals who have practiced full time of the past 4 years in a prosthetic/orthotic/pedorthic facility after the board has completed a review of the applicant's work history and scope of practice; indicates that care or services eligible for reimbursement by Medicare, Medicaid, or health insurance may only be provided pursuant to an order from a licensed physician or advanced registered nurse practitioner; exempts individuals engaging in their profession from the authority of Chapter 319B, including licensed health care practitioners or providers, physical therapists, occupational therapists, physicians, chiropractors, pharmacists, certified therapeutic shoe fitters, and other specified individuals; excludes application of the chapter to the practice of prosthetics, orthotics, or pedorthics by licensed physicians, federal employees, designated students, or defined orthosis manufacturer employees; forbids any person from practicing as or professing to be any of the licensed professionals in the chapter without a valid current license; establishes license expiration and renewal dates and procedures; authorizes the board to grant reciprocity with other jurisdictions, to discipline licensees, or to deny applicants for unprofessional conduct and to set fees within specified limits; lists penalties for violations of provisions of the chapter after January 1, 2013, as a Class A misdemeanor and a maximum \$5,000 fine per violation; exempts the initial prosthetist, orthotist,

and pedorthist appointments to the board from the licensing requirement; makes all subsequent practitioner appointments to the board comply with the standard licensing requirements; and names KRS Chapter 319B the “Henry Brown Prosthetics, Orthotics, and Pedorthics Act.”

**HB 377**

AN ACT relating to pretrial services.

Amends KRS 431.515 to require pretrial investigations and services to ask whether an individual has been in combat as a member of the National Guard or the United States Armed Forces and, if so, provide information on and the opportunity to connect with the Kentucky National Guard Family Services program or similar programs.

**HB 378**

AN ACT relating to underground storage tanks.

Amends KRS 224.60-130 to prohibit the petroleum storage tank environmental assurance fund from placing a tank-number limit on owners or operators in order to qualify for reimbursement of the cost of tank removal from the small operators’ tank removal account.

**HB 387**

AN ACT relating to the reporting of full-time employees and contractors and declaring an emergency.

Creates a new section of KRS Chapter 61 to require the secretary of the Personnel Cabinet to report the number of employees in each program cabinet and department of the executive branch of state government to the Legislative Research Commission within 15 days after the effective date of the Act and on a quarterly basis thereafter; requires the secretary of the Finance and Administration Cabinet to report the number of contractors working on a full-time equivalent and recurring basis within 15 days after the effective date of the Act and on a quarterly basis thereafter; defines “recurring basis” as continuous employment for a period of not less than 90 days; amends KRS 45A.553 to require reporting of the number of contractors working on a full-time equivalent and recurring basis under privatization contracts on an annual basis; amends KRS 45A.690 to require memoranda of agreement with nonprofit entities not authorized by KRS Chapter 65 to be reported to and approved by the Government Contract Review Committee; creates an exception to the provision exempting memoranda of agreement between state agencies and state universities or colleges from committee approval if the agreement results in the use of an employee or employees of a state university or college by a state agency to fill a position or perform a duty that an employee or employees of state government could perform if hired; amends KRS 45A.695 to create invoice requirements for personal service contracts; provides that issuance of the invoice is an affirmation by the personal service contractor that the invoice accurately reflects work actually performed and expenses incurred; and requires the head of the contracting body to approve the invoice, indicating that the charges reflect the value of the work performed and that costs and disbursements were reasonably and necessarily incurred in connection with the matter invoice; EMERGENCY.

**HB 391**

AN ACT relating to condominiums.

Creates new sections of KRS Chapter 381, relating to condominiums and the Uniform Condominium Act; defines relevant terms; provides requirements and procedures for the conduct

of business and the establishment of associations, including limitations placed on a developer in the appointment of an executive board; establishes the rights and responsibilities of unit owners; establishes criteria related to the sale of units by unit owners; establishes procedures for the distribution of proceeds as related to common elements; provides for a short title, “Kentucky Condominium Act”; and provides for an effective date of January 1, 2011.

### **HB 393**

AN ACT relating to reorganization.

Amends and creates various sections of the Kentucky Revised Statutes to abolish the Environmental and Public Protection Cabinet; creates the Public Protection Cabinet, the Labor Cabinet, and the Energy and Environment Cabinet; establishes in the Public Protection Cabinet the Office of the Secretary, containing the Office of Communications and Public Outreach and the Office of Legal Services; establishes within the Public Protection Cabinet the Department of Housing, Buildings and Construction, containing the Division of Fire Prevention, the Division of Plumbing, the Division of Heating, Ventilation, and Air Conditioning, and the Division of Building Code Enforcement; establishes within the Public Protection Cabinet the Department of Alcoholic Beverage Control, containing the Division of Distilled Spirits, the Division of Malt Beverages, and the Division of Enforcement; establishes within the Public Protection Cabinet the Department of Financial Institutions, containing the Division of Depository Institutions, the Division of Non-Depository Institutions, and the Division of Securities; establishes within the Public Protection Cabinet the Department of Charitable Gaming, containing the Division of Licensing and Compliance and the Division of Enforcement; establishes within the Public Protection Cabinet the Department of Insurance, containing the Property and Casualty Division, the Health and Life Division, the Division of Financial Standards and Examination, the Division of Agent Licensing, the Division of Insurance Fraud Investigation, the Consumer Protection Division, and the Division of Kentucky Access; establishes within the Public Protection Cabinet the Office of Occupations and Professions; abolishes the Division of Administrative Services in the former Department of Public Protection; attaches to the Public Protection Cabinet, for administrative purposes, the Board of Claims, the Crime Victims Compensation Board, the Board of Tax Appeals, the Boxing and Wrestling Authority, and the Horse Racing Commission; abolishes the Horse Racing Authority; creates the Energy and Environment Cabinet; establishes within the Energy and Environment Cabinet the Office of the Secretary, containing the Office of Legislative and Intergovernmental Affairs, the Office of Administrative Hearings, and the Office of General Counsel; establishes within the Energy and Environment Cabinet the Department for Environmental Protection, containing the Division for Air Quality, the Division of Water, the Division of Waste Management, the Division of Enforcement, the Division of Environmental Program Support, and the Division of Compliance Assistance; establishes within the Energy and Environment Cabinet the Department for Natural Resources, containing the Division of Technical and Administrative Support, the Division of Mine Permits, the Division of Mine Reclamation and Enforcement, the Division of Abandoned Mine Lands, the Office of Mine Safety and Licensing, the Division of Forestry, the Division of Oil and Gas, and the Division of Conservation; establishes within the Energy and Environment Cabinet the Department for Energy Development and Independence, containing the Division of Efficiency and Conservation, the Division of Energy Generation Transmission and Distribution, the Division of Renewable Energy, the Division of Biofuels, the Division of Carbon Management, and the Division of Fossil Energy Development; abolishes the Governor’s Office for Energy Policy and transfers its

























































































