

# **General Assembly Action 2011 Regular Session**

Informational Bulletin No. 235

**Legislative Research Commission**  
Frankfort, Kentucky

**April 2011**



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**A Staff Summary of Legislative Enactments**

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## Foreword

The 2011 Regular Session of the General Assembly convened Tuesday, January 4, 2011, and adjourned *sine die* Wednesday, March 9, 2011, having met for 30 legislative days. During the session, 653 bills and 587 resolutions were introduced, including 165 Senate bills and 488 House bills.

Of the bills introduced, 29 Senate bills and 72 House bills passed both chambers and were delivered to the Governor. One bill proposing a constitutional amendment was enacted and transmitted directly to the Secretary of State. The Governor exercised his veto authority in one Senate bill and one House bill. Therefore, a total of 28 Senate bills and 71 House bills became law.

The Governor also received seven joint and concurrent resolutions.

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

Robert Sherman  
Director

Legislative Research Commission  
Frankfort, Kentucky  
April 2011



## Bill Numbers to Acts Chapters

Bill No.	Acts Ch.										
SB	7	105			HB	250	100	HB	416	31	
SB	8	75	HB	1	4	HB	255	54	HB	425	103
SB	12	76	HB	12	41	HB	256	23	HB	427	9
SB	24	77	HB	26	98	HB	259	24	HB	428	32
SB	25	78	HB	33	42	HB	264	55	HB	429	33
SB	26	79	HB	34	99	HB	269	56	HB	433	34
SB	39	80	HB	41	17	HB	272	25	HB	442	35
SB	40	81	HB	52	43	HB	278	57	HB	460	36
SB	50	82	HB	74	18	HB	288	58	HB	463	2
SB	63	83	HB	119	44	HB	289	59	HB	464	72
SB	64	84	HB	121	45	HB	301	101	HB	470	71
SB	66	85	HB	122	11	HB	302	26	HB	478	73
SB	70	86	HB	129	46	HB	303	27			
SB	71	87	HB	164	47	HB	308	60	HJR	5	104
SB	73	3	HB	166	19	HB	309	61	HCR	13	16
SB	76	14	HB	167	48	HB	310	62	HJR	19	37
SB	79	88	HB	173	12	HB	311	63	HCR	37	38
SB	82	89	HB	183	49	HB	313	64	HCR	114	39
SB	103	90	HB	187	10	HB	317	28	HCR	138	40
SB	108	91	HB	192	50	HB	320	65			
SB	110	1	HB	197	5	HB	330	7			
SB	112	92	HB	200	6	HB	331	29			
SB	114	93	HB	202	20	HB	333	66			
SB	119	106	HB	221	21	HB	339	30			
SB	130	94	HB	228	51	HB	342	67			
SB	135	95	HB	229	52	HB	358	68			
SB	139	96	HB	242	8	HB	362	15			
SB	150	97	HB	244	22	HB	382	69			
			HB	245	53	HB	385	102			
SCR	110	13	HB	247	74	HB	387	70			



## Senate Bills

### SB 7

AN ACT relating to records.

Creates a new section of KRS Chapter 7 requiring the Legislative Research Commission to provide public access to legislative branch financial information by January 1, 2012; creates a new section of KRS Chapter 26A requiring the Administrative Office of the Courts to provide public access to judicial branch financial information by January 1, 2012; creates a new section of KRS Chapter 42 to require the Finance and Administration Cabinet to provide public access to executive branch financial information by January 1, 2012; amends KRS 164A.565 to require the governing boards of each postsecondary educational institution to make budget, financial statements, and governing board meeting records available on each institution's website by January 1, 2012; and directs the staff of the Legislative Research Commission to study the use of the Internet by local governments to provide citizen access to their financial and other information.

### SB 8

AN ACT relating to a one-stop-shop to conduct business in the Commonwealth and declaring an emergency.

Creates a new section of KRS Chapter 14 to require the Office of the Secretary of State, the Finance and Administration Cabinet, the Cabinet for Economic Development, and the Commonwealth Office of Technology to establish an electronic state business portal to facilitate interaction among businesses and governmental agencies in the Commonwealth; creates an advisory committee composed of representatives from various state agencies to make assessments and recommendations; requires the advisory committee to prepare an assessment detailing recommendations for the ongoing operation and management of the business portal; requires the assessment to be presented to the Governor, the Secretary of State, and the Legislative Research Commission by December 31, 2011; amends KRS 11.202 to require the Commission on Small Business Advocacy to submit an annual report beginning December 1, 2012, to the Legislative Research Commission and the secretary of state with an analysis of how to improve the portal so that it is more user friendly; and amends KRS 42.730 to direct the executive director of the Commonwealth Office of Technology to assist agencies in avoiding duplicate services; EMERGENCY.

### SB 12

AN ACT relating to principal selection.

Amends KRS 160.345 to prohibit an outgoing principal from participating in the principal selection process; requires a superintendent or designee to serve on the council as its chair during the hiring of the principal and to have voting rights; and allows the council access to all applications of those persons who are certified for the position.

### SB 24

AN ACT relating to the enactment of an interstate racing and wagering compact.

Creates new sections of KRS Chapter 230 to authorize and direct the Governor to execute an interstate compact on participation in live pari-mutuel horse racing and pari-mutuel wagering

activities; defines terms; establishes compact commission and assigns powers and duties; establishes a rule-making procedure; permits the compact commission to charge fees; establishes rights and responsibilities of member states, restrictions on authority, and construction, saving, and severability; establishes an effective provision based on enactment by at least six states; directs the compact commissioner from each state to serve as the agent of the respective state racing commission; requires the compact commissioner to possess substantial racing and wagering knowledge and experience in order to participate effectively in compact rule making; requires member states that benefit from the compact commission, or its employees, provisions, by-laws, fees, findings, practices, or programs to provide or share in the legal costs of upholding them; permits a person to take legal action against the compact; grants the compact commission limits of liability and rights to defense; affords the compact commissioner, employee, executive director, and any member or employee of a state racing commission who undertakes compact activities the same limits of liability, defenses, and rights to indemnity and defense that are granted to state employees in the member state; requires the compact commissioner to forward a proposed compact rule to the Administrative Regulations and Review Subcommittee (ARRS) and the standing committee having jurisdiction over the subject matter when a rule is initially proposed and if it is substantially modified during the rule-making process; requires adopted compact rules upon which Kentucky has voted in favor to be forwarded to ARRS and the subject matter committee for review within 60 days; and requires ARRS and the subject matter committee to review received rules and allows both to forward respective findings in writing to the compact commission within 10 calendar days.

**SB 25**

AN ACT relating to annexation maps and declaring an emergency.

Amends KRS 81A.470 to eliminate the requirement for recording annexation maps, descriptions, and copies of ordinances with the Department for Local Government, retroactively to July 15, 2010; and amends KRS 81.420 to clarify public notice requirements for a merged or consolidated city; EMERGENCY.

**SB 26**

AN ACT relating to identification cards for people experiencing homelessness.

Amends KRS 186.531 to establish a \$4 charge for a personal identification card issued to a person without a fixed, permanent address; and amends KRS 186.412 to establish that a personal identification card issued to a person without a fixed, permanent address be valid for 1 year from the date of issue.

**SB 39**

AN ACT relating to state government contracts.

Amends KRS 14A.9-010 to require certain exempt foreign entities to obtain a certificate of authority from the Office of the Secretary of State in order to be awarded a state construction contract; and amends KRS 45A.480 and 176.085 to require certain persons exempted from the certificate of authority requirement under KRS 14A.9-010 to produce the certificate if awarded a state construction contract.

**SB 40**

AN ACT relating to influenza vaccinations for minors.

Amends KRS 315.010 to expand the definition of “practice of pharmacy” to include the administration of influenza vaccines to individuals 9 to 13 years of age; and amends KRS 315.205 to include an influenza vaccine administered to an individual who is aged 9 to 13 years in the notification to the individual’s primary care provider.

**SB 50**

AN ACT relating to the capture and transportation of carbon dioxide.

Amends Subchapter 27 of KRS Chapter 154 to make carbon dioxide transmission pipelines eligible for the Incentives for Energy Independence Act; grants eminent domain powers to companies constructing carbon dioxide transmission pipelines; declares that all aspects of carbon dioxide transmission pipeline management are a public use; requires carbon dioxide transmission pipelines to obtain construction certificate from the Kentucky State Board on Electric Generation and Siting; amends KRS 154.27-010, 154.27-020, 278.495, and 278.700 to conform; amends KRS 278.714 to allow the Kentucky State Board on Electric Generation and Siting to hire a consultant to review the pipeline plans and to provide recommendations to the board; allows the consultant to prepare a formal report and provides that the applicant pays for the consultant; allows for a public informational meeting upon a request by three people who reside where the pipeline will be built; and sets a time frame for the board to act on an application and directs what the board may consider.

**SB 63**

AN ACT relating to diabetes.

Creates new sections of KRS Chapter 211 to require the Department for Medicaid Services, the Department for Public Health, the Office of Health Policy, and the Personnel Cabinet to collaborate to identify goals and benchmarks to reduce the incidence of diabetes in Kentucky, improve diabetes care, and control complications associated with diabetes; requires each to report on the impact of diabetes, programs and activities for controlling and preventing diabetes, action plans to address diabetes, and budget plans for programs addressing diabetes by January 10 of each odd-numbered year to the Legislative Research Commission; and limits services to those in place before the effective date of this Act unless other funding is available.

**SB 64**

AN ACT relating to the Kentucky Center for African-American Heritage.

Creates new sections of KRS Chapter 148 to create a Kentucky Center for African-American Heritage attached to the Tourism, Arts and Heritage Cabinet for administrative purposes; provides for the initial board of directors to be the board of the African-American Heritage Foundation, Inc., the secretary of the Tourism, Arts and Heritage Cabinet, and the chair of the African-American Heritage Commission; provides that subsequent boards be composed of the secretary of the Tourism, Arts and Heritage Cabinet, the chair of the African-American Heritage Commission, and 23 additional members appointed by the governor in accordance with specified criteria; provides for terms and organization; and establishes duties and objectives.

**SB 66**

AN ACT relating to the Eastern Kentucky Exposition Center Corporation.

Amends KRS 154.40-030 to require appointments to and removal from the board of the Eastern Kentucky Exposition Center Corporation to be made by the county judge/executive of Pike County, the mayor of Pikeville, and by the Governor.

**SB 70**

AN ACT relating to environmental protection.

Amends KRS 224.1-530 to require use of United States Environmental Protection Agency's Regional Screening Level Table for Region 3 rather than for Region 9 and to require use of the guidance found in the Risk-Based Concentration Table User's Guide rather than the Region 9 Preliminary Remediation Goals.

**SB 71**

AN ACT relating to the practice of diabetes education and making an appropriation therefor.

Creates new sections of KRS Chapter 309 to define "diabetes education" and "licensed diabetes educator"; exempts specified health care professionals from licensing restrictions; creates the Kentucky Board of Licensed Diabetes Educators and enumerates the powers and duties of the board; places the board for administrative purposes with the Office of Occupations and Professions in the Public Protection Cabinet; establishes a revolving fund for fees and other money; establishes requirements for licensure and set fees; requires continuing education for license renewal; establishes provisions for penalties and license denial, suspension, or revocation; requires administrative hearings conducted under KRS Chapter 13B; and recognizes November 14 as World Diabetes Day.

**SB 73**

AN ACT relating to motor vehicle dealers.

Amends KRS 190.046 prohibit a manufacturer or distributor from requiring a motor vehicle dealer to submit a claim sooner than 30 days after the dealer completes the preparation, delivery, or warranty service authorizing the claim; establishes a schedule for payment of claims by the manufacturer or distributor; provides that a dealer is not required to maintain defective parts for more than 30 days after payment of a claim; requires a manufacturer or distributor to compensate dealers for manufacturer-sponsored or distributor-sponsored promotion events; establishes a schedule for payment of claims made by dealers for promotion events; provides that a dealer's failure to comply with specific requirements for processing a claim may not constitute grounds for denial or reduction of the claim if the dealer presents reasonable documentation to substantiate the claim; and establishes audit guidelines for manufacturers or distributors.

**SB 76**

AN ACT changing the classification of the City of Pikeville, in Pike County.

Reclassifies Pikeville in Pike County with a population of 6,419 from a city of the third class to a city of the fourth class, which requires a population of 3,000 to 7,999.

**SB 79**

AN ACT relating to the operation of motor vehicles and declaring an emergency.

Amends KRS 186.050 to establish a three-tiered weight classification system for farm trucks, consisting of the following categories: under 26,000 pounds, 26,001 to 38,000 pounds, and over 38,000 pounds; amends KRS 281.600 to exempt farm registered vehicles with a gross vehicle weight rating or gross vehicle combined weight rating of 26,000 pounds or less from 49 CFR Part 391, regarding medical cards for drivers, Part 393, regarding vehicle equipment, and Part 396, regarding annual inspections; amends KRS 186.270 to allow annual over dimensional haul permits to transport farm equipment from dealer to dealer; amends KRS 281.010 to conform the definitions of “interstate commerce” and “intrastate commerce” to the definitions found in 48 CFR 390.5; and amends KRS 281.730 to define Kentucky’s planting and harvesting season as being year-round for the purposes of providing a limited exemption to farm truck operators regarding hours of service reporting and limits; EMERGENCY.

**SB 82**

AN ACT relating to city classification.

Reclassifies Guthrie in Todd County with a population of 1,457, Junction City in Boyle County with a population of 2,212, Greensburg in Green County with a population of 2,392, and Midway in Woodford County with a population of 1,627, all from cities of the fifth class to cities of the fourth class, which requires a population of 3,000 to 7,999.

**SB 103**

AN ACT relating to TVA and Breaks Interstate Park peace officers.

Amends KRS 61.886, 61.887, 61.888, and 61.889 to permit the Governor to commission Tennessee Valley Authority (TVA) police officers and Breaks Interstate Park police officers as Kentucky peace officers and to require that the associated security bonds be recorded in the Office of the Secretary of State; permits the TVA officers and Breaks Interstate Park officers commissioned as peace officers to have authority upon or about property owned or leased by the TVA or Breaks Interstate Park; permits supplemental authority to be granted by the sheriff of any county in which the TVA or Breaks Interstate Park owns or controls property; and permits peace officer authority to be extended during times of disaster or other emergency.

**SB 108**

AN ACT relating to courts.

Amends KRS 24A.120, relating to jurisdiction of District Court in civil cases, to increase jurisdiction from \$4,000 to \$5,000; amends KRS 24A.230 and 24A.290, relating to the small claims division of the District Court, to increase jurisdiction from \$1,500 to \$2,500; and creates a noncodified section to specify that a civil action filed in the Circuit Court or District Court prior to the effective date of the change in jurisdiction provided for in this Act shall remain in the court in which it was originally filed until the conclusion of the case.

**SB 110**

AN ACT relating to optometry.

Amends KRS 320.210 to modify the definition of the “practice of optometry” to include certain types of diagnoses and treatments of diseases, disorders, or conditions of the eye and its appendages by a licensed optometrist; permits prescribing and adapting visual aids and Schedule III or lower drugs; permits using vision therapy or orthoptics, low-vision rehabilitation, and certain laser surgery procedures; permits the correction and relief of ocular abnormalities through surgical procedures not otherwise excluded from the practice of optometry; lists procedures that are excluded from the practice of optometry, except for the preoperative and postoperative care of those procedures; indicates that a person is regarded as practicing optometry if he or she performs or advertises to perform optometric operations of any kind, prescribes or provides any means or device to help the human eye, or uses the word “optometrist” or other similar designation in connection with his or her name; amends KRS 320.240 to authorize the Board of Optometry to promulgate administrative regulations for optometrist licensure; forbids an individual from practicing optometry unless he or she is licensed by the board; establishes the board’s sole jurisdiction over the practice of optometry; declares that in a public health emergency, the commissioner of health may authorize therapeutically licensed optometrists to administer inoculation for systemic health reasons; amends KRS 320.220 to prohibit administrative regulations from limiting or restricting a licensed health care practitioner or provider from engaging in the full scope of practice authorized by the license for that person’s profession, training, or services; and names KRS 320.210 and 320.240 the “Better Access to Quality Eye Care Act.”

**SB 112**

AN ACT relating to occupational and physical therapy.

Creates a new section of Subtitle 17A of KRS Chapter 304 to prohibit an insurer from requiring a copayment or coinsurance for services rendered for each date of service by an occupational or physical therapist that is greater than a copayment or coinsurance required for the services of a physician or an osteopath for an office visit; and requires an insurer to clearly state the availability of therapies under its plans.

**SB 114**

AN ACT relating to health benefit plan wellness programs.

Creates a new section of Subtitle 17A of KRS Chapter 304 to authorize health benefit plans to offer incentives or rewards to members who participate in a voluntary wellness or health improvement program; provides that the authorized incentives and rewards shall not be deemed a violation of the rebate prohibitions in KRS 304.12-090 and 304.12.010; permits verification if a health plan member is unable to participate in a wellness or health improvement program because of a medical condition; and permits an insurer to offer incentives or rewards to members participating in a wellness or health improvement program if otherwise allowed by state or federal law.

**SB 119**

AN ACT relating to 911 emergency communications funding.

Creates a new section of KRS 65.7621 to 65.7643 to require the Commercial Mobile Radio Services’ Emergency Telecommunications Board to gather and report data about 911

emergency funding procedures and costs before August 1, 2011, and annually thereafter; requires the board to determine the information it needs to evaluate various functions; requires each local and state governmental agency, each wireless or wireline provider of technology capable of transmitting voice traffic for an emergency 911 request to a public safety answering point (PSAP), and each citizen in possession of the information to provide it to the board; permits the board to hire a consultant; designates certain information to be provided to the board; prohibits entities that fail to provide information from receiving distributions of state funds from the board; requires the board to promulgate administrative regulations that establish annual reporting requirements to allow the board to monitor the use of 911 funds and the rate of 911 service charge; allows for disclosure of collected information under the Open Records Law but exempts proprietary information; requires the board to give the Legislative Research Commission (LRC) access to collected data; requires the board to submit an annual report to LRC by August 1; requires staff of LRC to study funding of 911 emergency communications services with a focus on alternative revenue streams, applicability of current wireless rates to all end users of voice communications services, and funding mechanisms in other states; requires the LRC report to offer policy options based on an audit of PSAPs and information received from the board; and requires a final report by December 1, 2011.

### **SB 130**

AN ACT relating to comprehensive universities.

Amends KRS 164.295 to permit a comprehensive university to be approved by the Council on Postsecondary Education to offer up to three advanced practice doctoral programs that would include a doctoral program of nursing and a doctorate in education if the university offers those degrees; requires the council to promulgate administrative regulations setting forth the criteria and the guidelines for approval of advanced practice doctoral programs; and requires the council to make recommendations to the Interim Joint Committee on Education based on unanimous agreement of the Advisory Council of University Presidents.

### **SB 135**

AN ACT relating to the enforcement of local government ordinances.

Amends KRS 65.8821, relating to the Local Government Code Enforcement Act, to allow the assignment of a hearing officer to conduct hearings related to code enforcement on behalf of the board; requires hearing officers to take training on administrative hearing procedures pursuant to KRS 13B.080 and allows hearing officers to administer oaths; amends KRS 65.8825 to set the procedure for issuing citations by either personal service to the alleged violator, leaving a copy with a person of majority age on the premises in the absence of the alleged violator, conspicuously posting a copy of the citation and mailing a copy of the citation to the owner of record in the absence of all persons on the property; amends KRS 65.8828 to specify that the code enforcement board conducts the hearing, or upon the receipt of recommendations of a hearing officer that the board determines whether a violation was committed; requires the hearing officer to make written findings of fact, conclusions of law, and recommendations for consideration by the board that will then make the final determination; requires each final order of the board to include written findings and conclusions; amends KRS 65.8815 to set out what constitutes a quorum of the board; amends KRS 82.615, relating to parking enforcement, to require owners of vehicles cited for parking violations who have not responded to the notice within 7 days to be sent a second notice by first-class mail rather than by

certified mail; amends KRS 82.700, relating to local nuisance enforcement, to allow all local governments to participate in the Local Government Nuisance Code Enforcement Act; establishes appointing authority for the respective local government officers making appointments; adds definitions of “owner,” “abatement costs,” and “premises”; amends KRS 82.715 to extend from 7 days to 30 days the amount of time an appeal from a hearing board’s determination may be made to the appropriate District Court; requires an owner of property in violation of the nuisance code to be responsible for the payment of abatement costs; amends KRS 82.720 to require that a local government possess a lien on abatement costs imposed pursuant to KRS 82.700 to 82.725; creates a new section of KRS 82.700 to 82.725 that stipulates that the provisions not be enforced by a county government upon property in unincorporated areas of the county that are assessed as agricultural land; amends KRS 381.770 to add the definition of “imminent danger” and requires that unless imminent danger exists, the local government send notice of the determination within 14 days of a final determination or a waiver of hearing; authorizes the lien holder to correct the violations or pay the fines, penalties, and costs incurred to remedy the situation within 45 days of receipt of the notice; provides that the lien of a local government not take precedence over that of another lien holder if the local government fails to provide a copy of the determination to the lien holder, or when a copy was received by the lien holder and the violations were corrected, or the fines, penalty charges, and costs were paid; and provides that, if the lien of the local government does not take precedence over another lien holder’s lien, the local government remedies against the property owner will not be limited or restricted.

**SB 139**

AN ACT relating to liens.

Amends KRS 376.100 and 376.212 to expand the class of persons who may post a bond to discharge a lien.

**SB 143**

AN ACT relating to property.

Repeals and reenacts various sections of Subtitle 7 of KRS Chapter 355 and creates several new sections of Subtitle 7 of KRS Chapter 355 to adopt the 2003 amendments to Article 7 of the Uniform Commercial Code, titled “Documents of Title,” to update and modernize Article 7; provides a domestic legal framework for documents of title to conform to international standards, including recognition of electronic documents of title, in addition to tangible documents of title; establishes requirements for negotiable and nonnegotiable documents of title; deletes obsolete references to tariffs, classifications, and regulations that do not track current commercial practices; amends KRS 355.1-201 to update the definitions to include “electronic document of title” and “tangible document of title”; amends KRS 355.2-103 to reference the definition of “control”; amends KRS 355.9-521 to establish forms for the UCC Financing Statement and the UCC Financing Statement Addendum; amends KRS 355.2-104, 355.2-310, 355.2-503, 355.2-505, 355.2-506, 355.2-509, 355.2-605, 355.2-705, 355.2A-103, 355.2A-514, 355.2A-526, 355.4-104, 355.4-210, 355.8-103, 355.9-102, 355.9-105, 355.9-203, 355.9-207, 355.9-208, 355.9-301, 355.9-307, 355.9-310, 355.9-311, 355.9-312, 355.9-313, 355.9-314, 355.9-316, 355.9-317, 355.9-326, 355.9-338, 355.9-406, 355.9-408, 355.9-502, 355.9-503, 355.9-507, 355.9-510, 355.9-515, 355.9-516, 355.9-518, 355.9-521, 355.9-601, and 355.9-607 to conform; creates a new section of Subtitle 9 of KRS Chapter 355 to provide that Sections 88 to

96 take effect on July 1, 2013; provides that Subtitle 9 applies to a transaction or lien within its scope, even if created prior to the effective date of the new sections; provides that a security interest perfected immediately prior to the effective date of this Act shall be deemed a perfected security interest under Subtitle 9, but a security interest perfected immediately prior to the effective date of the new sections shall meet the applicable requirements for perfection under Subtitle 9, within 1 year of the effective date of the new sections; provides that the filing of a financing statement before the effective date shall satisfy the requirements for perfection under Subtitle 9 of KRS Chapter 355, but the perfection shall cease to be effective if it would have ceased to be effective at the time the new sections take effect or if the financing is filed in another jurisdiction and would have ceased to be effective under that jurisdiction's law or on June 30, 2018; provides that the filing of a continuation statement after the new sections take effect does not continue the effectiveness of the financing statement, but timely filing of the continuation statement after the effective date of the new sections and in accordance with the law of the jurisdiction shall make the financing statement effective before the new sections take effect for the period provided by the law of the other jurisdiction; regulates the initial filing of a financing statement; defines "pre-effective-date financing statement" and establishes the effectiveness of the statement dependent on the jurisdiction governing perfection; authorizes a person to file an initial financing statement or a continuation statement subject to stated filing requirements; provides that the newly created sections determine priority of conflicting claims to collateral unless the relative priorities of the claims were established before they take effect, in which Subtitle 9 of KRS Chapter 355 as it existed prior to the effective date determines priority; amends KRS 131.515 to require the secretary of state to index notices of tax liens in a tax lien index accessible to the public in the same manner as filing statements filed with the secretary of state under Article 9 of KRS Chapter 355, including online and searchable databases; amends KRS 382.430 to require that a lien or other note of indebtedness include the address of the lienholder to be filed for record by the county clerk; requires the mailing address of the assignee if an assignment of a mortgage, conveyance, or other lien or security is filed of record with the county clerk; provides that a mortgage recorded with a county clerk shall not be invalid for failure to include the principal place of business of the mortgagee or holder of the note; amends KRS 382.480 to require that federal tax liens and all other liens payable to the United States be filed in the Office of the Secretary of State, in addition to the office of the county clerk in the county where the subject property is located; requires the secretary of state to enter the filing of the lien in a federal tax lien index and make it accessible to the public in the same manner as financing statements filed with the secretary of state under Subtitle 9 of KRS Chapter 355, including online and searchable databases; amends KRS 382.500 to provide that the secretary of state shall be entitled to a fee from the Internal Revenue Service for each notice of tax lien filed or discharged, pursuant to KRS 355.9-515(1); and provides that Sections 60 to 96 of this Act shall take effect on July 1, 2013; VETOED.

### **SB 150**

AN ACT relating to the licensure of journeyman heating, ventilation, and air conditioning mechanics.

Amends KRS 198B.662 to remove outdated sections and to allow for the licensure of journeymen heating, ventilation, and air conditioning mechanics who can document experience before July 1, 1995.

**SCR 110**

Urges the Kentucky Department of Agriculture to maintain lines of communication and cooperation with the United States Department of Agriculture in monitoring the livestock industry in Kentucky.

## **Senate Simple Resolutions**

**SR 218**

Confirms the appointment of Mary Gwen Wheeler to the Kentucky Board of Education.

**SR 219**

Confirms the appointment of Luther Deaton, Jr. to the Bi-state Authority.

**SR 220**

Confirms appointment of Jaye Shannon Jones to the Parole Board.

**SR 221**

Confirms appointment of George A. Carson to the Parole Board.

**SR 222**

Confirms the appointment of Franklin A. Stivers to the Kentucky Workers' Compensation Board.

**SR 223**

Confirms the reappointment of Samuel Earl Lee to the Kentucky Housing Corporation Board of Directors.

**SR 224**

Confirms the appointment of Joseph Albert "Jodie" Haydon to the Kentucky Lottery Corporation Board of Directors.

**SR 225**

Confirms the appointment of Charles Beach III to the Kentucky Housing Corporation Board of Directors.

**SR 226**

Confirms the reappointment of Judith H. Gibbons to the Kentucky Board of Education.

**SR 227**

Confirms the reappointment of C.B. Akins, Sr. to the Kentucky Board of Education.

**SR 228**

Confirms the appointment of Jonathan V. Parrent to the Kentucky Board of Education.

**SR 229**

Confirms the appointment of William L. Twyman to the Kentucky Board of Education.

**SR 230**

Confirms the appointment of Roger L. Marcum to the Kentucky Board of Education.

**SR 231**

Confirms the appointment of Martha M. Jones to the Kentucky Board of Education.

**SR 232**

Confirms the appointment of Norman J. Fryman to the Fish and Wildlife Resources Commission.

**SR 233**

Confirms the appointment of Stuart N. Ray to the Fish and Wildlife Resources Commission.

**SR 234**

Confirms the appointment of Timothy S. Mauntel to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

**SR 235**

Confirms the reappointment of Marcia M. Ridings to the Council on Postsecondary Education.

**SR 236**

Confirms the appointment of Dennis M. Jackson to the Council on Postsecondary Education.

**SR 237**

Confirms the reappointment of David F. Hutcheson, Jr. to the Personnel Board.

**SR 238**

Does not confirm the appointment of Cecil F. Dunn to the Personnel Board.

**SR 239**

Does not confirm the appointment of Thomas S. Whetstone to the Parole Board.

**SR 240**

Does not confirm the appointment of Maria A. "Sally" Mooney to the Parole Board.

**SR 241**

Does not confirm the appointment of Monica Ann Edmonds to the Parole Board.

**SR 242**

Does not confirm the reappointment of Joe F. Childers, Jr. to the Mine Safety Review Commission.

**SR 243**

Does not confirm the appointment of David M. Williams II to the Fish and Wildlife Resources Commission.

**SR 244**

Does not confirm the appointment of Lawrence J. O'Bryan to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

**SR 245**

Does not confirm the appointment of Marvin D. Russow to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

**SR 246**

Confirms the appointment of Mark A. Workman to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

## House Bills

### HB 1

AN ACT proposing to amend the Constitution of Kentucky relating to hunting, fishing and harvesting wildlife.

Proposes to amend the Constitution of Kentucky to create a right to hunt, fish, and harvest wildlife using traditional methods; and submits to the voters for approval or disapproval.

### HB 12

AN ACT relating to evidence.

Amends KRS 422.300 to add out-of-state hospitals to the chapter's provisions relating to the production of medical records for adjudicative proceedings.

### HB 26

AN ACT relating to wastewater.

Creates new sections of KRS Chapter 65 to express the findings of the General Assembly regarding wastewater and to authorize the creation of a regional wastewater commission as a pilot project area within Bullitt, Hardin, Jefferson, Meade, Oldham, and Spencer Counties; defines "commission," "member entity," "organizing official," and "wastewater"; allows two or more member entities owning wastewater systems to acquire, construct, operate, and improve those systems; establishes a method for member entities to form a regional wastewater commission; requires the governing body of any member entity proposing participation in the commission to publish notice of a public hearing in accordance with KRS Chapter 424 at least 30 days prior to the hearing; establishes appointments of one commissioner to represent each member entity; requires that the commissioner be a customer, resident, or authorized representative of the member entity; requires no fewer than three commissioners and sets a 4-year term of office for the commissioners; allows the commission to appoint a chair and officers; allows member entities to join existing commissions at any time; allows the commission salaries for other officers and employees; allows the commission's fund to pay expenses of commissioners and employees; requires bonding for commissioners and other minor officials and bonds paid by the commission fund; requires that commission meetings and records be subject to open meetings and open records laws; allows removal of a commissioner for cause; establishes a method for a member entity to withdraw from the commission; establishes the commission as a public body corporate and politic; allows the commission to execute contracts, to make loans, to issue and repay revenue bonds, to receive proceeds from loans or grants, to purchase, acquire, hold, and dispose of real and personal property, and to exercise powers granted under KRS Chapters 58 and 224A; allows the commission to have full and complete supervision, management, and control over all of its facilities; requires that construction or expansion of any proposed wastewater facility be approved by either the Division of Water or the United States Environmental Protection Agency; exempts the commission from taxation; requires the commission to procure the services of a certified public accountant to conduct an annual audit of all funds and fiscal transactions; exempts the commission from regulation by the Public Service Commission, except for contracts between the commission and a utility regarding provision of services that would result in an increase in rates paid by customers of that utility subject to approval by the Public Service Commission; allows the commission to set its rates and

terms through contracts with member entities, nonmember entities, and neighboring states; establishes minimum contract requirements; requires rates to be fair, just, and reasonable; requires the commission to determine final rates and charges based on the 5-year study consultation; requires the commission to provide at least 60 days' written notice to the governing bodies of the member entities prior to the effective date of any change in rates or charges for service; requires a vote by the commission for rate changes and adjustments of rates 5 percent or less and approval by the majority of the legislative bodies of the member entities serving on the commission if the rate is more than 5 percent; prohibits rates of more than 5 percent to be final unless approved by a majority of the legislative bodies and for the commission to reset rates if not approved; requires that the rate not be increased in more than a 12-month period; requires approval by the fiscal court if the member entity of the wastewater commission is a special district or an agency of state or federal government; requires notice before any rate changes; requires the commission to procure professional or independent accounting to determine operating, maintenance, and debt service costs and to provide recommendations for specific rates to offset the costs every 5 years; creates new sections of KRS Chapter 220 to require that financial information of sanitation districts be available on the Internet unless the district has fewer than 10,000 customers; requires that a sanitation district's rate increases of 5 percent or more not occur more than once in a 12-month period; requires that sanitation district user fees, charges, and rates be approved by the majority of the fiscal courts that participate in the district if the rate is 5 percent and the sanitation district has 10,000 or more customer accounts; amends KRS 220.035 to restore permissive authority of fiscal courts to approve rate increases if those increases are less than 5 percent and the district within the county has fewer than 10,000 customer accounts; conforms so that rate increases for sanitation districts not occur more than once within a 12-month period; amends KRS 58.010 to include a regional wastewater commission in the definition of "governmental agency"; amends KRS 224A.011 to include a regional wastewater commission in the definition of "governmental agency" and to include facilities related to the collection, transportation, and treatment of wastewater in the definitions of "infrastructure project" and "water resources project"; and amends KRS 278.010 to exclude a regional wastewater commission from the definition of "public utility."

### **HB 33**

AN ACT relating to publications of state agencies.

Creates a new section of KRS Chapter 57 to prohibit any agency of the state executive or legislative branch from mailing an unsolicited publication to any person who has not requested a copy, unless the mailing is determined to be essential by the governor or by the General Assembly; requires state agencies to submit annual and biennial reports to the General Assembly or to the Legislative Research Commission online rather than on paper; and amends KRS 12.110 to conform.

### **HB 34**

AN ACT relating to coroners.

Amends KRS 189.910, 189.920, and 189.940 to permit a coroner or deputy coroner to equip a private or public vehicle with red and blue lights and a siren with the permission of the legislative body of the county, urban-county, consolidated local, or unified local government, and to use the lights and siren only to respond to the scene of an emergency involving the reported death of a human being.

**HB 41**

AN ACT relating to emergency vehicles.

Amends KRS 189.920, relating to lights on emergency vehicles, to permit, with the approval of a county's governing body, the use of blue lights on publicly owned jail vehicles used for emergency purposes and on the personal vehicle of an elected jailer or chief administrator of a jail.

**HB 52**

AN ACT relating to elder and vulnerable adult abuse, neglect, and financial exploitation and making an appropriation therefor.

Amends KRS 209.990 to provide a civil remedy with treble damages for use against persons who are convicted of exploitation of an adult and fail to return the victim's property within 30 days of an order by the sentencing court to do so; amends KRS 381.280 to include the commission of a felony under KRS Chapter 209 among the offenses that trigger an offender's forfeiture of the right to inherit property from the victim of the offense and directs that any escheated property be directed to the Elder and Vulnerable Victims Trust Fund; creates a new section of KRS Chapter 41 to establish the Elder and Vulnerable Victims Trust Fund to provide funding for programs combating elder and vulnerable adult abuse, neglect, or financial exploitation; and creates a new section of KRS Chapter 209 to prohibit persons convicted of a felony under KRS Chapter 209 from serving in any capacity that has authority over the victim of the offense or the victim's estate.

**HB 74**

AN ACT relating to weights and measures.

Creates a new section of KRS 363.510 to 363.850 to allow the Commissioner of Agriculture to promulgate administrative regulations relating to tobacco moisture testing devices; and amends KRS 363.510 to include instruments to measure internal moisture or density of unprocessed bulk tobacco in the definition of "weights and measures."

**HB 107**

AN ACT relating to government contracts.

Amends KRS Chapter 45A to expand and clarify the list of entities included in the definition of "contracting body"; allows the committee to determine the definition of "governmental emergency"; clarifies the entities included within the definition of "memorandum of agreement"; expands the definition of "personal service contract" by eliminating the professional skill or judgment requirement and specifically including contracts for personal, technical, and professional services, and contracts for group health care for public employees; allows the Government Contract Review Committee to establish a reporting schedule for exempt personal service contracts and memoranda of agreement; exempts contracts between postsecondary institutions and health care providers but requires reporting of such contracts; requires committee review of all personal service contracts and memoranda of agreement in excess of \$1 million, except for contracts involving child support collections and contracts between the Department of Public Advocacy and attorneys who represent indigent clients, which are exempted; exempts contracts \$40,000 and less from request for proposals process but requires three quotes when feasible, and determination of unfeasibility may be reviewed by the secretary of the Finance and Administration Cabinet or by the committee; exempts contracts

\$40,000 and less not requiring professional skill or judgment from routine review process but requires filing within 30 days for informational purposes; prohibits delegation of decision-making authority by secretary of the Finance and Administration Cabinet, except with respect to institutions of higher education that have elected to implement procurement procedures in accordance with statutory authority; deletes the requirement for annual reports; and delineates powers of the committee; VETOED.

**HB 119**

AN ACT relating to the training of city government officials.

Creates new sections of KRS Chapter 64 to define “city,” “city officer,” “training unit,” and “training incentive multiplier”; establishes requirements and options for city governments to pass an optional city official training program that includes financial incentives for undergoing training relevant to city operations; provides that the ordinance can be repealed by the city, that the training incentive payments are not used in calculating retirement benefits and are not considered compensation for establishing compensation of elected city officers or for setting maximum compensation under KRS 83A.075(2), and that a city can use other methods of promoting training for elected officers and employees of the city; and amends KRS 78.510 to exclude the training incentive from the County Employees Retirement System.

**HB 121**

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

Creates new sections of KRS Chapter 218A to ban possession, trafficking, or manufacture of naphthylprovalerone, 3,4-methylenedioxyprovalerone, 3,4-methylenedioxymethylcathinone, or 4-methylmethcathinone, which are ingredients in drugs with street names of “dove” or “bath salts,” with trafficking or manufacture as a Class A misdemeanor and possession as a Class B misdemeanor with a 30-day maximum jail sentence, a fine, or both; amends various sections of KRS Chapter 217, relating to legend drugs, KRS Chapter 218A, relating to controlled substances, and KRS 530.064, relating to unlawful transaction with a minor, to conform; and amends KRS 218A.1411, relating to drug-free school zones, to change distance from 1,000 yards to 1,000 feet and to exempt any misdemeanor offense relating to the listed drugs; EMERGENCY.

**HB 122**

AN ACT relating to membership of the Kentucky Commission on Military Affairs.

Amends KRS 154.12-203 to include the Chief Justice of the Kentucky Supreme Court in membership of the Kentucky Commission on Military Affairs.

**HB 129**

AN ACT relating to the publication of legal advertisements.

Amends KRS 424.130 to allow advertisements for the purpose of informing the public so that a notice of delinquent taxes or notice of the sale of tax claims shall be published once each week for 3 consecutive weeks in addition to the existing requirement of once, preceded by a half-page notice of advertisement the previous week; amends KRS 424.220 to allow cities of the sixth class that have not conducted an annual audit under the provisions of KRS 91A.040(2) or (3) to publish a legal display advertisement to satisfy certain financial statement publication requirements; amends KRS 67A.070 to establish publication requirements for ordinances of an

urban-county government; removes the requirement for the publication of resolutions; and removes the requirement to publish the full text of ordinances or resolutions imposing fines, forfeitures, or imprisonment.

### **HB 164**

AN ACT relating to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Creates new sections of KRS Chapter 387 to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, as recommended to the states by the National Conference of Commissioners on Uniform State Laws, to govern jurisdictional questions and disputes between states in regard to cases concerning guardians and conservators; and amends KRS 387.520 to conform.

### **HB 166**

AN ACT relating to the use of Kentucky-grown agricultural products in state resort parks.

Creates a new section of KRS 148.830 to 148.840 to require any contract for the provision and sale of food services and agricultural products in state resort park restaurants, gift shops, concessions, and golf courses to promote the sale of Kentucky-grown agricultural products under the Kentucky Proud Program in accordance with KRS 45A.645, 148.830, 148.835, and 260.017; declares that only new contracts shall be affected by purchasing requirements; amends KRS 148.830 to establish a promotion program in the Department of Parks for the sale of Kentucky-grown agricultural products in state resort park restaurants, gift shops, concessions, and golf courses, in conjunction with the Kentucky Proud Program; requires the commissioner of the Department of Parks to promulgate administrative regulations to implement the program; amends KRS 148.835 to establish a promotion program within the Department of Parks that requires the department to purchase Kentucky-grown agricultural products if the purchasing officer determines the products are available, can be priced to encourage their sale, and meet the quality standards of the department; deletes the definition of "horticulture product"; requires the commissioner of the Department of Parks to promulgate administrative regulations to implement the program; amends KRS 148.840 to require the Department of Parks to establish a steering committee to plan and assist in the implementation of the promotion program identified in KRS 148.830 and 148.835 and, upon implementation of the promotion program, to evaluate the promotion program and submit an initial report to the Governor, the Secretary of the Finance and Administration Cabinet, and the Legislative Research Commission no later than July 1, 2012, and subsequent annual reports no later than July 1 of each year thereafter; and requires the steering committee to meet at least once each year at a date and location to be determined by its members to ensure the continuation of the promotion program.

### **HB 167**

AN ACT relating to the Surplus Lines Insurance Multi-State Compliance Compact.

Creates a new section of KRS 304.10-010 to 304.10-210 to adopt the Surplus Lines Insurance Multi-State Compliance Compact; explains the necessity of the legislation and Articles I to XVI in a preamble; states the purposes of the compact, including establishment of a clearinghouse for receipt and dissemination of premium tax and clearinghouse transaction data

related to nonadmitted insurance of multistate risks in Article I; defines terms in Article II; establishes the Surplus Lines Insurance Multi-State Compliance Compact Commission and its venue in Article III; grants authority for the commission to establish mandatory rules in Article IV; establishes commission powers in Article V; establishes the commission's organization in Article VI; establishes commission meetings and authorizes its acts in Article VII; authorizes the commission's rules, operation procedures, and rulemaking functions in Article VIII; establishes commission records requirements and enforcement authority in Article IX; establishes a method of dispute resolution in Article X; authorizes the review of commission decisions in Article XI; establishes commission finance requirements in Article XII; establishes state eligibility to be a compacting state, the effective date of the compact, and the commission's authority to propose future amendments in Article XIII; establishes requirements for withdrawal from the compact, default of a compacting state, termination of a compacting state, and the method for dissolution of the compact in Article XIV; establishes severability of the terms of the compact and requires liberal construction of the compact terms to effectuate the purpose of the compact in Article XV; recognizes the priority of the enforcement of compacting state laws, except any law regarding nonadmitted insurance of multistate risks, which are regulated and preempted by the compact in Article XVI; amends KRS 91A.080, 136.392, 304.10-180 to reference the Non-Admitted and Reinsurance Reform Act of 2010 of the Dodd-Frank Wall Street Reform and Consumer Protection Act that limits insurance premium taxes on multistate nonadmitted insurance to one tax per state; amends KRS 304.10-180 to require brokers to pay the state tax of 3 percent on single-state risks located solely in Kentucky, the premium surcharge tax pursuant to KRS 136.392, and the local government premium tax; establishes the single tax rate on multistate nonadmitted surplus lines at 11.8 percent payable to the Department of Insurance for distribution by the department to the state and local governments to conform to the Dodd-Frank Wall Street Reform and Consumer Protection Act; and establishes the effective date upon legislative enactment of the compact into law by two compacting states.

**HB 173**

AN ACT relating to hunting and fishing licenses.

Amends KRS 150.170 to exempt members of any branch of the United States Armed Forces based in Kentucky from having to obtain licenses to engage in sport hunting or fishing on any military property belonging to the Commonwealth.

**HB 183**

AN ACT relating to city classification.

Reclassifies Wurtland in Greenup County with a population of 1,063 and Sadieville in Scott County with a population of 326 from cities of the sixth class to cities of the fifth class, which requires a population of 1,000 to 2,999; and reclassifies Midway in Woodford County with a population of 1,627 from a city of the fifth class to a city of the fourth class, which requires a population of 3,000 to 7,999.

**HB 187**

AN ACT relating to special license plates and making an appropriation therefor.

Creates a new section of KRS Chapter 186 to create the I Support Veterans special plate; amends KRS 186.162 to establish the fees for the plate; amends KRS 186.166 to require the plate to be perpetually produced; delays effective date until the new motor vehicle information system

is operational; and requires the Transportation Cabinet to notify the Reviser of Statutes at least 30 days before Act takes effect.

### **HB 192**

AN ACT relating to instruction in voting.

Creates a new section of KRS Chapter 158 to require secondary schools to provide information to 12<sup>th</sup>-grade students on how to register to vote, vote in an election using a ballot and vote using an absentee ballot; and recommends instructional methods.

### **HB 197**

AN ACT relating to motor vehicles.

Amends KRS 186.190 to delete the requirement that a license plate remain on a motor vehicle upon sale; allows the seller of a motor vehicle to apply to the county clerk to transfer a plate with existing valid registration onto a newly acquired vehicle; sets forth the procedures for an individual who trades in a motor vehicle with existing valid registration to place that registration plate on the newly purchased vehicle; requires all vehicle transfers and plate transfers to adhere to the 15-day schedule in KRS 186.020 and 186A.070; exempts transactions between motor vehicle dealers; amends KRS 186.045 to clarify procedures for disposition of vehicles repossessed by a secured party; amends KRS 186A.100 to clarify procedures for issuance of a temporary vehicle tag; makes temporary tags good for 30 rather than 60 days, with an option to extend the validity of the tag if the purchaser has not received a permanent registration plate; amends KRS 186.232 to prohibit the county clerk from transferring title on a motor vehicle for which there are delinquent ad valorem taxes; amends KRS 186.165 to apply the plate transfer provisions of Section 1 to holders of special license plates; and creates a new section of KRS Chapter 186A to restrict the use of the motor vehicle information system to carry out the functions of titling and registration to the Transportation Cabinet and county clerks; EFFECTIVE JANUARY 1, 2013.

### **HB 200**

AN ACT relating to the commemoration of Kentucky Medal of Honor recipients.

Includes in the preamble a clause urging the Kentucky Department of Veterans Affairs to offer all congressional Medal of Honor recipients admission to Kentucky state veterans' nursing homes at no cost; creates a new section of KRS Chapter 42 to require the creation of a plaque to honor Kentucky recipients of the Medal of Honor; and requires the Department for Facilities and Support Services to design, install, and provide routine maintenance of the plaque.

### **HB 202**

AN ACT relating to commercial driver's licenses.

Creates a new section of KRS Chapter 281A to establish standards for the waiver of the driving skills test by applicants with military service who have experience operating commercial-sized motor vehicles; requires a veteran to apply and complete the requirements for a commercial driver's license with a skills test exemption within 90 days from a veteran's separation of service; specifies that applicants are still required to take the knowledge test and pay the application fee; requires the Transportation Cabinet to promulgate administrative regulations that establish a waiver form; establishes documents that may be used for proof of military

occupational specialty; and amends KRS 281A.130, relating to requirements for issuance of commercial driver's licenses, to conform.

**HB 221**

AN ACT relating to grain.

Amends KRS 251.451 to increase the minimum bonding requirement of a grain warehouseman to \$25,000 and to cap the maximum bonding requirement at \$1 million, except as otherwise authorized; and amends KRS 251.720 to cap the maximum bonding requirement of a grain dealer at \$1 million, except as otherwise authorized.

**HB 228**

AN ACT relating to campaign finance.

Amends KRS 121.150(6) to increase the limit on campaign contributions to school board candidates from \$100 for individuals and \$200 for organizations to \$1,000; and amends KRS 121.170 to require committees to identify an official contact person and to prohibit permanent committees from identifying a legislative agent or executive agency lobbyist as an official contact person.

**HB 229**

AN ACT relating to public employees.

Amends KRS 18A.205 to allow retirees who have been reemployed in full-time positions in state government on or after September 1, 2008, to participate in life insurance benefits; amends KRS 61.510 and 78.510 to permit the retirement systems to add 1 or more fiscal years to the final compensation calculation for employees participating in the Kentucky Employees Retirement System or the County Employees Retirement System (CERS) on or after September 1, 2008, if the employees do not have 5 complete fiscal years of service upon retirement; amends KRS 61.637 to make technical changes; amends KRS 78.530 to exclude agencies that are established by a merger or interlocal agreement consisting of agencies that participated in CERS on or before April 9, 2002, from the requirement of signing a contract for employee health insurance with the Personnel Cabinet as a condition of participation in CERS; and applies the amendments to KRS 78.530 to existing agencies established before the effective date of the Act.

**HB 242**

AN ACT relating to metals.

Amends KRS 433.800, relating to the purchase of metals by recyclers, to require a signed proof of ownership or a signed authorization to sell any metal that has been smelted, burned, or melted.

**HB 244**

AN ACT relating to property tax.

Amends KRS 132.810 to permit a service-connected totally disabled veteran or a totally and permanently disabled individual to document the disability at the time of application for the homestead exemption and to eliminate the requirement that the application for the homestead exemption be on an annual basis for these circumstances; and applies provisions to property assessed on or after January 1, 2012.

### **HB 245**

AN ACT relating to motor vehicle usage tax.

Amends KRS 138.470 to clarify the exemption allowed for transfers involving the change in legal form of a business entity; and provides exemption from the motor vehicle usage tax for certain transfers between an individual grantor, a trust, trust beneficiaries, and other persons; EFFECTIVE AUGUST 1, 2011.

### **HB 247**

AN ACT relating to licensure and making an appropriation therefor.

Creates new sections of KRS Chapter 211 regarding the certification and regulation of radon measurement contractors, mitigation contractors, and radon laboratories; defines terms; establishes the Kentucky Radon Program Advisory Committee and its appointment and meeting procedures; delineates the powers and duties of the committee; establishes who is exempt from certification requirements; establishes certification requirements for measurement contractors, mitigation contractors, and radon laboratories, including the responsibilities of each certificate holder; requires mitigation contractors, measurement contractors, and radon laboratories to be certified on or before January 1, 2013; directs mitigation systems repaired or altered after January 1, 2013, to meet the mitigation standard operating procedures established by administrative regulation; requires mitigation and measurement contractors to maintain general liability insurance coverage in the amount of \$500,000; requires measurement contractors to maintain errors and omissions coverage in an amount of at least \$500,000; requires mitigation and measurement contractors to maintain a license and permit bond during the term of certification in an amount of \$10,000; includes requirements for the display and advertising of a measurement or mitigation contractor's certification number; prohibits a person certified as both a measurement and mitigation contractor who conducts mitigation on a residential or commercial building from conducting measurement on that same building unless used for diagnostic purposes only; mandates that the results of any measurement conducted to determine the need for mitigation or the successful completion of mitigation activities be sent to the person providing the compensation for the mitigation by the independent measurement contractor conducting the measurement; requires a business entity to have an owner or employee associated with the business entity certified as a measurement or mitigation contractor; establishes requirements for annual renewal of certification; requires the Cabinet for Health and Family Services to promulgate administrative regulations for establishing an inactive certification status; authorizes the cabinet to grant reciprocity with other jurisdictions; disciplines certificate holders for unprofessional conduct, including a fine not to exceed \$500; permits the cabinet to institute proceedings in the Circuit Court of the county where the person resides for an injunction; provides a right of appeal in the Circuit Court of the county where the person resides in accordance with KRS Chapter 13B; requires the cabinet to promulgate administrative regulations on continuing education requirements; authorizes the cabinet to examine records of mitigation contractors, measurement contractors, and radon laboratories; establishes a trust and agency fund to be used by the cabinet for administrative and other purposes; amends KRS 211.855 to specify the powers and duties of the Cabinet for Health and Family Services; requires the cabinet to promulgate administrative regulations to administer, coordinate, and enforce the provisions of this Act; requires the cabinet to promulgate administrative regulations for a quality control program plan, mitigation, and measurement standard operating procedures; amends KRS 227A.060 to authorize the Department of Housing, Buildings and Construction to issue a

master electrician license or an electrician license to an applicant who meets the years of verifiable experience since the applicant's 16<sup>th</sup> birthday; amends KRS 339.230 to permit a minor who has passed his or her 14<sup>th</sup> birthday, but is younger than 18, to work in a place of employment or in an occupation that is hazardous or injurious to the life, health, safety, or welfare of a minor only if certain requirements are met; and repeals KRS 211.856, 211.857, and 211.858.

### **HB 250**

AN ACT relating to the Kentucky Board of Home Inspectors.

Amends KRS 198B.030 to delete the provision attaching the Kentucky Board of Home Inspectors to the Department of Housing, Buildings and Construction; amends KRS 198B.040 to conform; amends KRS 198B.700 to clarify the definition of "home inspection"; amends KRS 198B.702 to exempt fire protection sprinkler contractors, fire protection system certificate holders, or certified fire sprinkler inspectors and persons providing estimates for remodeling or repair; amends KRS 198B.704 to attach the board to the Office of Occupations and Professions in the Public Protection Cabinet for administrative purposes; revises the composition of the board to five licensed home inspectors and four members appointed by the governor to represent home builders, real estate agents or brokers, the public at large, and the manufactured home industry; sets the terms for board members; permits the board to designate a secretary; requires an affirmative vote from a majority of board members for the board to take official action; amends KRS 198B.706 to require the board to clarify home inspection reports, to allow the board to issue or deny applications for licensure and renewal, and to specify disciplinary actions the board may take against licensees; amends KRS 198B.710 to conform; amends KRS 198B.712 to clarify prohibition on unlicensed home inspection and requires the board to specify license criteria in administrative regulation; amends KRS 198B.714 to give the board the authority to determine if other jurisdictions have similar licensing requirements; amends KRS 198B.722 to clarify the requirement for a background check and specifies that continuing education must be completed before applying for license renewal; amends KRS 198B.730 to allow the board to issue a cease and desist order prior to a hearing; amends KRS 198B.732 to specify that penalties apply only to unlicensed activity in Kentucky and to remove the Housing, Buildings and Construction Legal Division as the board legal adviser; amends KRS 198B.738 to specify that home inspectors may not indicate compliance with the Kentucky Residential Code; amends KRS 198B.4005, 227.300, 227.530, 227.560, 227A.040, 236.030, 318.077, and 318.130 to conform; and repeals KRS 198B.708.

### **HB 255**

AN ACT relating to a health insurance tax exclusion, and declaring an emergency.

Amends KRS 141.010 to expand the income tax exclusion for health insurance premiums to include premiums paid to provide coverage for a taxpayer's adult children up to the same age as provided in federal legislation enacted during 2010; EMERGENCY.

### **HB 256**

AN ACT relating to the Kentucky Housing Corporation and declaring an emergency.

Amends KRS 198A.010 to define "area median income"; amends KRS 198A.040 to allow the Kentucky Housing Corporation to establish single-family mortgage lending programs outside the mortgage revenue bond funds for applicants meeting reasonable standards established

by the corporation and with combined family incomes that are equal to or less than 175 percent of the greater of the state or area median income; and amends KRS 198A.065 and 198A.090 to conform; EMERGENCY.

**HB 259**

AN ACT relating to economic development.

Creates new sections of KRS Chapter 353 to define terms and state legislative findings; authorizes the Energy and Environment Cabinet to seek primary jurisdiction over carbon storage matters; directs the Energy and Environment Cabinet to seek one to five projects demonstrating injection of carbon dioxide into geologic storage; provides a process for pooling of interests in pore space necessary to create underground carbon storage reservoirs; creates a process whereby ownership of and liability for stored carbon dioxide will pass to the federal or state government following a period of monitoring the storage facility; directs the Energy and Environment Cabinet to undertake discussions with surrounding states concerning accidental migration of geologically stored carbon across state lines; and requires annual reports to the Governor and to the Legislative Research Commission.

**HB 264**

AN ACT relating to Medicaid.

Amends KRS 205.590 to create the Technical Advisory Committee on Behavioral Health, the Technical Advisory Committee on Children's Health, the Technical Advisory Committee on Intellectual and Developmental Disabilities, and the Technical Advisory Committee on Therapy Services; and establishes the membership of the advisory committees.

**HB 269**

AN ACT relating to coal miners.

Designates the third week of August as Coal Miners Appreciation Week.

**HB 272**

AN ACT relating to peace officer certification and declaring an emergency.

Amends KRS 15.400 to increase the maximum break in employment before loss of Peace Officer Professional Standards (POPS) certification from 60 to 100 days for those peace officers who were deemed to have met the standards by virtue of employment on December 1, 1998; and provides individuals who retired with POPS certification on or after July 1, 2008, who are reemployed with a law enforcement agency within 100 days following the effective date of this Act with automatic POPS certification; EMERGENCY.

**HB 278**

AN ACT relating to nurse education.

Amends KRS 164.298 to clarify the definition of "governing board" and to include a college governing board as an entity required to collaborate with the Kentucky Board of Nursing in offering an advanced practice doctoral degree in nursing.

**HB 288**

AN ACT relating to real estate appraisal management companies.

Creates new sections of KRS Chapter 324A to define terms related to real estate appraisal management companies; requires registration of real estate appraisal management companies with the Kentucky Real Estate Appraisers Board and provides qualifications and limitations on registration; requires the board to establish a reasonable filing fee in administrative regulation; specifies the inclusion of the annual national registry fee required under federal law and maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council; requires a surety bond not to exceed \$500,000; directs the real estate appraisers board to require national and state criminal background checks for real estate appraisal management company registrants; clarifies that the background check is mandatory and not at the request of the registrant; requires that any background check fee charged by the Kentucky State Police or the Federal Bureau of Investigation not exceed the actual cost of the background check; provides requirements for registered companies and their employees, directors, officers, and agents; requires the executive director of the board to maintain a register of all applicants; grants the board the authority to penalize registrants for specified offenses; exempts specified parties from provisions of the Act; and specifies that the Act be known as the "Kentucky Appraisal Management Company Registration Act."

**HB 289**

AN ACT relating to the operation of a motor vehicle.

Amends KRS 189.960, relating to yielding the right-of-way to public safety vehicles, to clarify statutory references; amends KRS 189.394, relating to fines for speeding, to include violations over a 70 mile per hour speed limit to the fine table; amends KRS 189.292 and KRS 189.294 to add a global positioning or navigation system that is physically or electronically integrated into the motor vehicle to current exemptions and to allow the Secretary of the Transportation Cabinet to promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section, including but not limited to updates or advances in the automotive and information technology industries; and amends KRS 186.412 to allow a motor vehicle operator to purchase two medical insignia decals rather than one to affix to both front and rear windows of the vehicle.

**HB 301**

AN ACT relating to professional licensure and certification.

Creates a new section of KRS Chapter 12 to specify that any active duty military personnel shall have any professional license or certificate renewed without paying fees or obtaining continuing education as long as they are active duty members of the Armed Forces and for 6 months after discharge; and creates a new section of KRS Chapter 12 to require that the professionally licensed or certified spouse of any active duty military personnel transferred to Kentucky shall be issued a 6-month temporary license by the administrative body with jurisdiction over that profession in Kentucky within 30 days of application if the spouse of the active duty military member meets applicable statutory requirements.

### **HB 302**

AN ACT relating to historic military events and declaring an emergency.

Amends KRS 38.440 to permit veterans' service organizations to drill or parade with arms; and permits people participating in reenactments of the French and Indian War, Revolutionary War, War of 1812, United States Civil War, or Spanish-American War to drill or parade with arms; EMERGENCY.

### **HB 303**

AN ACT relating to the veterans' program trust fund.

Amends KRS 40.460 to delete a reference to the Department of Veterans' Affairs as the administrator of the Veterans' Program Trust Fund.

### **HB 308**

AN ACT relating to background checks.

Creates a new section of KRS Chapter 237 to require a circuit clerk to report to the Department of Kentucky State Police persons who have been involuntarily committed by a court as mentally ill or mentally defective and requires the department to provide the information to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System that, under federal law, bars such persons from possessing firearms while under disability; establishes a procedure where a person who has been declared mentally ill or mentally defective to obtain relief from disability by applying to the court that committed that person for relief; provides that, if relief is granted, the information will be transmitted to the Department of Kentucky State Police, which will transmit the information to the Federal Bureau of Investigation; requires the State Police to remove the person's name from the National Instant Criminal Background Check System; requires the State Police to destroy information in its possession if relief from disability is granted; prohibits State Police from using information obtained pursuant to this section for any other purpose; creates a new section of KRS Chapter 17 to authorize any person to request the Department of Kentucky State Police to conduct a background check on that person through a name-based or fingerprint-supported search; establishes search prerequisites and limitations; and permits establishment of a fee not to exceed the cost of processing.

### **HB 309**

AN ACT relating to life insurance beneficiaries.

Creates a new section of Subtitle 12 of KRS Chapter 304 to define "retained asset account"; precludes insurers from using retained asset accounts as the mode of settlement of payment to a life insurance beneficiary unless the insurer discloses the use of the retained asset account to the beneficiary or the beneficiary's legal representative prior to the transfer of life insurance proceeds to the retained asset account; requires insurers to inform beneficiaries of their right to receive a lump-sum payment of life insurance proceeds in the form of a bank check or similar other immediate full payment of benefits; requires insurers to disclose all payment options available to beneficiaries, in written or electronic format, upon the distribution of anything other than a lump-sum payment of life insurance proceeds; sets specific disclosure requirements on the use of a retained asset account rather than a lump-sum payment; establishes annual reporting requirements for insurers to the Department of Insurance regarding retained asset accounts; requires all marketing materials, disclosure statements, and supplemental contract

forms used in connection with retained asset accounts to be filed with the Department of Insurance prior to their use; authorizes the commissioner to disapprove any materials, statements, or forms that are inconsistent with the provisions of this Act or are otherwise untrue, unfair, deceptive, false, or misleading; requires insurers to return any balance held in a retained asset account to the beneficiary if no funds are withdrawn from the account or if no affirmative directive has been provided to the insurer by the beneficiary during any continuous 3-year period; authorizes the commissioner to promulgate administrative regulations; and provides that this Act be known as the “Beneficiaries Bill of Rights.”

**HB 310**

AN ACT relating to economic development.

Amends KRS 65.7043, 65.7045, 65.7049, and 154.30-060 to expand the application of the tax increment financing provisions to mixed-use development projects located in a research park owned by a public university and to projects that are within 3 miles of a military base; amends KRS 65.7051 and 65.7053 to conform; amends KRS 154.30-010 to extend the activation date allowed for signature projects that were approved on or before January 1, 2008, but not yet activated to anytime within 10 years of the original project commencement date; and applies the extension retroactively to qualifying agreements.

**HB 311**

AN ACT relating to prescription drugs.

Amends KRS 218A.180 to permit electronic prescriptions for methamphetamine and Schedule II controlled substances; permits facsimile prescriptions for Schedule III, IV, and V controlled substances and noncontrolled substances; and permits facsimile prescriptions for Schedule II drugs under conditions established by administrative regulation.

**HB 313**

AN ACT relating to concealed deadly weapons.

Amends KRS 527.020, relating to carrying concealed deadly weapons, to permit the director of the Division of Law Enforcement and conservation officers of the Department of Fish and Wildlife Resources to carry concealed deadly weapons; expands locations where a loaded or unloaded firearm or other deadly weapon may be carried in a motor vehicle to include any enclosed container, compartment, or storage space originally installed in the motor vehicle by its manufacturer; and provides that the section does not apply to persons prohibited from possessing a firearm by law.

**HB 317**

AN ACT relating to highway rest areas.

Creates a new section of KRS Chapter 176 directing the Department of Highways to display the United States flag, the Kentucky flag, and the POW/MIA flag at all highway rest areas.

**HB 320**

AN ACT relating to first responders.

Creates a new section of KRS Chapter 2 to create 9/11 First Responders Day; requests the governor to proclaim the day annually; and states the purpose of the designation.

### **HB 330**

AN ACT relating to public utilities.

Amends KRS 278.021 to define circumstances that constitute abandonment of a gas, water, electric, or sewer service public utility; provides for control and responsibility for abandoned utilities placed in receivership to remain with the court-appointed receiver until the Franklin Circuit Court, after hearing, orders the receiver to return control to the utility or to liquidate the assets; permits the Public Service Commission, without holding a hearing, to petition the Franklin Circuit Court for temporary receivership of an abandoned utility under certain circumstances; provides that an order granting temporary receivership expires 60 days after entry if the commission does not, after notice and hearing, bring an action seeking permanent receivership; and creates a new section of KRS Chapter 278 to require any gas, water, electric, or sewer utility service that receives a notice of discontinuance or termination of service from one or more of its suppliers that will prevent the provision of service to its customers to notify the commission in writing within 1 business day of receipt of the notice.

### **HB 331**

AN ACT relating to business organizations.

Creates and amends various sections in KRS Chapters 14, 14A, 271B, 272, 274, 275, 362.2, and 386, all relating to business entities, to modify the process and standards for business filings with the Office of the Secretary of State, the use of indistinguishable names, the maintenance of a corporation's registered office and registered agent, the allocation of attorney's fees in litigation, the transfer of corporate assets to a subsidiary, dissolutions of a business entity, LLC membership, and conversions in an entity's organizational form; and makes certain sections retroactive to January 1, 2011, to be contemporaneous with the effective date of the Kentucky Business Entity Filing Act.

### **HB 333**

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

Creates a new section of KRS Chapter 227 to establish storage requirements for consumer fireworks, display fireworks, and theatrical pyrotechnic devices; references the American Pyrotechnic Association's APA 87-1 for definition of "theatrical pyrotechnic device"; adds the requirement for a supplier of fireworks to fill out the required storage report; allows seasonal retailers to file only one report for items stored during July 4 and New Year's holidays; amends KRS 227.702 to define "consumer" fireworks and updates to current APA standards the definitions of items in the "ground and hand-held sparkling devices," "aerial devices," and "audible ground devices" categories; permits the transportation, retail sale, possession, sale, and use of consumer fireworks throughout the state at all times; amends KRS 227.706 to define "display" fireworks and adds "pyrotechnic devices" to that definition; amends KRS 227.710 to define "competent display operator" and establishes requirements for the operation of a fireworks display; amends KRS 227.715 to require any firm, copartnership, nonprofit entity, or business to register to sell consumer fireworks; permits permanent business establishments that sell consumer fireworks as a secondary course of business to only sell those described in KRS 227.702(1); defines "seasonal retailer" and includes permanent businesses, temporary businesses, stores, stands, and tents in that definition; requires businesses selling fireworks year-round as their primary source of business to register with state fire marshal and pay a fee of

not more than \$500; requires seasonal retailers to register with state fire marshal; permits the fire marshal to assess a fee not to exceed \$250 for a seasonal retailer; prohibits the sale of fireworks to persons younger than 18; prohibits persons younger than 18 to be employed by a manufacturing or distribution facility; prohibits persons younger than 18 to sell consumer fireworks at a retail sales facility unless supervised by a parent or guardian; requires all retail sales locations to charge state sales tax; prohibits igniting fireworks within 200 feet of another person; establishes the process for seizure and disposal of fireworks stored in violation of this chapter; and authorizes local jurisdictions to enact ordinances further restricting the sale and use of fireworks; EMERGENCY.

**HB 339**

AN ACT relating to unemployment compensation.

Creates a new section of KRS Chapter 341 to prevent a worker from receiving unemployment benefits in successive benefit years unless the worker has returned to work and earned 5 times his or her weekly benefit rate received in the prior benefit year.

**HB 342**

AN ACT relating to financial matters.

Amends KRS 395.005 to allow a bank or trust company organized under the laws of a state other than Kentucky to be appointed as fiduciary for matters of descent, will, and administration to the extent permitted pursuant to KRS 286.3-920(6) and this Act; amends KRS 286.3-010 to establish definitions for “out-of-state trust company” and “trust representative office”; creates a new section of Subtitle 3 of KRS Chapter 286 to authorize Kentucky state trust companies to have trust offices and trust representative offices in Kentucky as well as in other states to the extent the reciprocal state’s laws permit a Kentucky trust company to establish an office in the foreign state; establishes requirements for a Kentucky state trust company to establish a trust office or trust representative in Kentucky or in another state; creates a new section of Subtitle 3 of KRS Chapter 286 to authorize out-of-state trust companies to have trust offices and trust representative offices in Kentucky to the extent the out-of-state trust company’s home state allows Kentucky trust companies to establish trust offices or trust representative offices in the foreign state; establishes requirements for an out-of-state trust company to establish a trust office or trust representative in Kentucky; amends KRS 286.3-450 to allow the commissioner of the Department of Financial Institutions to enter into cooperative, coordinating, and information-sharing agreements and agreements for joint examinations and joint enforcement actions with other supervisory agencies having concurrent authority over trust offices and trust representative offices; and amends KRS 286.3-290 to clarify that a branch office of an out-of-state bank may conduct fiduciary activities authorized under Kentucky law for banks, provided that a branch office of a Kentucky bank is permitted to engage in substantially similar activities in the out-of-state bank’s host state.

**HB 358**

AN ACT relating to assignment of death benefits.

Amends KRS 61.705 to allow the designated beneficiary of a member of the Kentucky Retirement Systems to assign the death benefit to a bank or licensed funeral home upon the death of the member; amends KRS 161.655 to allow the designated beneficiary of a member of the

Kentucky Teachers' Retirement System to assign the life insurance policy benefit to a bank or licensed funeral home; and amends KRS 61.690 and 161.700 to conform.

### **HB 362**

AN ACT relating to ginseng.

Amends KRS 246.650 to define "ginseng" and deletes the definition of "cultivated ginseng"; amends KRS 246.660 to prohibit information relating to the purchase or sale of ginseng from being subject to public disclosure, to require the Department of Agriculture to establish licensing requirements for ginseng dealers, and to require the department to promulgate administrative regulations establishing administrative violations and civil penalties relating to ginseng; creates a new section of KRS 246.650 to 246.660 to establish a Kentucky ginseng fund; and amends KRS 246.990 to establish penalties and establish a mechanism for the seizing of ginseng.

### **HB 382**

AN ACT relating to consumer protection.

Creates a new section of KRS Chapter 367, relating to consumer protection, to define "solicitation" and to prohibit business solicitation within 30 days following a motor vehicle accident of persons involved in the accident or their relatives; provides exceptions; establishes a maximum fine of \$1,000 for violation; amends KRS 21A.310, relating to attorneys, to conform; creates a new section of KRS 199.892 to 199.896 to require a child-care center to have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation; require the plan to be updated annually; and requires the plan to be provided to local emergency management officials and parents; EFFECTIVE DECEMBER 31, 2011.

### **HB 385**

AN ACT relating to the Energy and Environment Cabinet.

Amends KRS 350.060 to require as of the effective date of the Act that any determination by the cabinet to change a bond requirement or bond protocol currently in use result in a new administrative regulation that includes all bond requirements, including the bond protocol; proscribes bond protocols from being instituted as policy; requires that after the effective date of the Act an administrative regulation that fails to include bond protocols to be declared automatically deficient; creates a new section of Subchapter 10 of KRS Chapter 224 to allow the Energy and Environment Cabinet to promulgate administrative regulations to establish standards for the operation of laboratories relating to testing for wastewater pollution, set fees for certification, evaluate the competency of the laboratories, and establish a certification program for laboratories that submit environmental data relating to tests for all types of wastewater pollution; requires that all environmental samples collected be submitted to a certified laboratory once the administrative regulations have been promulgated; and invalidates samples submitted by uncertified laboratories 1 year after the effective date of the administrative regulations.

### **HB 387**

AN ACT relating to advance deposit account wagering licenses.

Repeals and reenacts KRS 230.210 to add a definition for "Kentucky resident" and delete the definition for "secondary pari-mutuel organization"; amends KRS 230.260 to delete licensing of secondary pari-mutuel organizations and provide for licensing of advance deposit account

wagering; and requires quarterly reporting of the amount wagered on Kentucky races and the amount wagered by Kentuckians.

**HB 416**

AN ACT relating to accountancy.

Amends KRS 325.220 to clarify the standards used for providing attesting services; includes a compilation under the definition of “attest service”; defines “firm manager”; specifies the purpose of peer review; requires the peer review process to comply with standards that are equivalent to or more stringent than the current version of Standards for Performing and Reporting on Peer Reviews issued by the American Institute of Certified Public Accountants (AICPA); changes the definition of “review committee” to “peer review committee” as responsible for administering the program; defines “peer review committee” as a peer review program that is equivalent to or more stringent than a program as outlined in the AICPA’s current version of Standards for Performing and Reporting on Peer Reviews; amends KRS 325.301 to conform; requires firms that are not licensed by and do not have an office in Kentucky that perform certain attest services for a Kentucky client to comply with peer review program requirements; requires all certified public accountants who are sole proprietors of a firm with an office located in this state and regularly practicing in the state to maintain current licenses to practice issued by the board; deletes language specifying what is to be included in an application for a firm license; requires the firm manager to submit an initial application containing information required by the board by administrative regulation; specifies requirements to renew a firm license set to expire on July 1, 2011; specifies requirements to renew a firm license set to expire on August 1, 2012, and thereafter, to be effective for a period of 2 years; includes requirements for a firm license expired for a period of less than 1 month and for a firm with a license expiring for a period longer than 1 month after date of expiration; requires that, effective August 1, 2012, sole proprietors comply with firm licensing requirements; and amends KRS 325.431 to conform.

**HB 425**

AN ACT relating to education.

Amends KRS 163.032 to revise the manner in which the Kentucky Department of Education, with the assistance of the Kentucky Personnel Cabinet, adopts a salary schedule for administrators for the Kentucky School for the Deaf and the Kentucky School for the Blind by requiring that consideration be given to competitive rates of pay for duties and responsibilities of comparable administrators’ positions in local school districts; requires the salary schedule to be computed by September 1 of each year; and creates a new section of KRS Chapter 164 to permit public universities to establish tuition rates for non-Kentucky residents who are veterans enrolling in Kentucky public institutions if the rates are no greater than the maximum tuition reimbursement for a Kentucky resident student who is a veteran and qualifies under the Post-9/11 GI-Bill.

**HB 427**

AN ACT relating to schools and declaring an emergency.

Amends KRS 161.185 to require a certified or classified staff member to accompany students on nonathletic school-sponsored or school-endorsed trips; permits the commissioner of education to grant up to the equivalent of 10 instructional days for school years 2010-2011 and

2011-2012 for school districts that have missed an average of 20 or more days in the previous 3 years and use alternative methods of instruction, including virtual learning, on days when the school district is closed for health or safety reasons, on nontraditional days, or during nontraditional time; requires average daily attendance to be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education; requires that if the days in the approved calendar designated as makeup days are used, the commissioner of education shall grant a request made by a local board of education to waive the makeup of all remaining instructional days scheduled to occur on or after June 21; and permits a local board of education to amend its 2010-2011 school calendar by adding not less than 30 minutes to any remaining instructional day in order to make up time missed due to weather or illness; EMERGENCY.

#### **HB 428**

AN ACT relating to school facilities, making an appropriation therefore, and declaring an emergency.

Creates a new section of KRS Chapter 157 to direct the Department of Education to determine urgent and critical construction needs; directs the department to provide a funding allocation to a district for a school that is closed to the public because it is structurally unsound or is otherwise uninhabitable as determined by the commissioner of education; requires that the funding allocation be to retire the unpaid debt on the structurally unsound or uninhabitable building or to provide the semiannual debt service payments on the current issue; provides that when funds are not available, the costs shall be deemed a necessary government expense and shall be paid from the general fund surplus account under KRS 48.700; directs a school district that receives an allotment and receives funds from litigation or insurance to repay the allotment to the budget reserve trust fund account; directs the commissioner of education to provide an allotment to a school that was closed in 2010 because it was structurally unsound; EMERGENCY.

#### **HB 429**

AN ACT relating to the Streamlined Sales and Use Tax Agreement.

Amends KRS 139.010 to define “direct mail,” “advertising and promotional direct mail,” and “other direct mail”; amends KRS 139.105 to require sales of digital property to be sourced like tangible personal property; amends KRS 139.270 to allow retailers and sellers an additional 120 days to substantiate a sale for resale or an exempt sale if a request has been made by the Department of Revenue; amends KRS 139.777 to provide sourcing rules for sales of advertising and promotional direct mail and other direct mail; amends KRS 139.795 to provide the seller relief from tax liability in certain instances if the Department of Revenue does not provide the seller with at least 30 days’ notice of a rate change; and amends KRS 139.260, 139.365, 139.735, and 139.990 to conform; EFFECTIVE JULY 1, 2011.

#### **HB 433**

AN ACT relating to waste tires.

Creates new section of Subtitle 50 of KRS Chapter 224 to establish a five-member waste tire working group in the Energy and Environment Cabinet; prescribes the duties of the Waste Tire Working Group; amends KRS 224.50-868 to request the retailer to encourage a customer purchasing new tires to leave the waste tires with the retailer; requires the cabinet to develop the

information sheet in conjunction with the Waste Tire Working Group and make the information sheet available on the cabinet's website or in print upon request; amends KRS 224.50-872 to require the cabinet to submit an annual report on the status of the waste tire program and to develop comparative data on specific measurements of waste tire cleanup; amends KRS 224.50-874 to require the transporter or processor that contracts for out-of-state final disposal of the tires to return a receipt to the retailer showing who took final custody of the tires; requires the retailer to contact the cabinet if a receipt has not been tendered by the transporter or processor within 30 days of receiving the tires; and amends KRS 224.50-880 to impose a 25 percent cap on the cabinet's use of the waste tire fund for administrative purposes.

#### **HB 442**

AN ACT relating to nurse licensure.

Amends KRS 314.011 to remove the definition of "clinical internship"; amends KRS 314.041 to require an applicant for a license to practice as a registered nurse to pass an approved jurisprudence examination; deletes the Kentucky Board of Nursing's authority to extend a provisional license; deletes the requirement of a clinical internship for licensure applicants; deletes the 120-hour practice requirements as a registered nurse for applicants who are licensed in another state; provides that a person whose license has lapsed for 1 or more years shall pass a jurisprudence examination approved by the Kentucky Board of Nursing; amends KRS 314.051 to require the Board of Nursing to mandate an applicant for a license to practice as a licensed practical nurse to pass an approved jurisprudence examination; deletes the Kentucky Board of Nursing's authority to extend a provisional license; deletes the requirement of a clinical internship for licensure applicants; deletes the 120-hour practice requirement as a licensed practical nurse for licensure applicants from other states; requires a person whose license has lapsed for 1 or more years to pass an approved jurisprudence examination; and amends KRS 314.073 to require all individuals licensed under KRS Chapter 314 who renew their licenses to document continuing competency during the immediate past licensure period as prescribed in administrative regulations.

#### **HB 460**

AN ACT relating to auctioneer services.

Creates a new section of KRS Chapter 426 to permit a court upon the request of a creditor or mortgage holder to secure the services of an auctioneer licensed in Kentucky to conduct the public sale, fix the auctioneer's fee, and order the fee to be paid out of the proceeds of the sale; includes caps for the licensed auctioneer's fee that do not include expenses and fees incurred by the master commissioner for the sale under KRS 31A.010(4); requires the master commissioner to employ a licensed auctioneer to handle the sale upon terms and conditions acceptable to the creditor or mortgage holder; requires the sale to be conducted on the site of real property to be sold if the public sale is conducted by a licensed auctioneer; permits a master commissioner who is also a licensed auctioneer to recover fees for acting in his or her capacity as master or special commissioner under KRS 31A.010(4) but prohibits the master commissioner from collecting any extra fee for acting as an auctioneer; and clarifies that this section does not waive any provision of KRS 426.160, 426.200, or 426.560.

### **HB 463**

AN ACT relating to the criminal justice system, making an appropriation therefor, and declaring an emergency.

Creates a new section of KRS Chapter 532 to establish the sentencing policy of the Commonwealth; creates a new section of KRS Chapter 196 to declare the primary objectives of the Department of Corrections; amends KRS 446.010 to add pertinent definitions; creates a new section of KRS Chapter 218A to declare findings of the General Assembly regarding controlled substances and treatment; amends various sections of KRS Chapter 218A, relating to controlled substances, to include quantities of controlled substances for certain offenses and to otherwise modify elements and penalties for offenses; creates a new section of KRS Chapter 218A to require pretrial release for designated offenses and provides exceptions; creates a new section of KRS Chapter 218A to permit deferred prosecution for certain possession offenses; amends KRS 218A.275 and 218A.276 to permit risk and needs assessments for treatment and the sealing of misdemeanor possession records upon successful completion of treatment, and provides exceptions; creates new sections of KRS Chapter 196 to require the Department of Corrections to analyze savings from modifications to controlled substance laws and use the savings to expand treatment programs, and to expand programs at underused existing facilities; creates a new section of KRS Chapter 26A, relating to the Court of Justice, to require the Supreme Court to administer a drug court program; amends KRS 532.080 to modify offenses to which persistent felony offender status applies; amends KRS 197.020 to require the Department of Corrections to use a risk and needs assessment; amends KRS 439.3405 to modify the requirements for medical release from prison; amends and creates various sections of KRS 439.250 to 439.560, relating to probation and parole, to require the use of risk and needs assessments, to modify provisions relating to parole hearings, conditions, and deferment, and to require mandatory reentry supervision and postincarceration supervision for specified offenders; amends KRS 197.045 to divide the allowable types of sentencing credits into mandatory and discretionary categories and to include credit for civics education program; amends KRS 532.050, relating to presentence procedure, to require consideration of a risk and needs assessment and to require the inclusion of a preliminary calculation of sentencing credit awarded for prior confinement be included in a presentence report; creates a new section of KRS 439.250 to 439.560 to permit the Department of Corrections to implement conditional parole of specified inmates to jails and authorize work release; amends KRS 532.100 to permit specified Class D felons to serve sentences at county jails; creates a new section of KRS 439.250 to 439.560 to permit approval of any acceptable housing option for parolees that fulfills statutory requirements; creates a new section of KRS Chapter 532 to permit approval of housing options for prisoners on conditional release; amends KRS 532.260, relating to home incarceration, to add conditional release and to allow for persons with sentences of 9 months or less; creates a new section of KRS Chapter 27A to require the Supreme Court to create guidelines for judges to use when considering pretrial release and monitored conditional release for certain defendants; creates a new section of KRS Chapter 431 to permit use of global positioning system monitoring for persons on pretrial release; amends KRS 431.015 to require a peace officer to issue a citation instead of making an arrest for specified misdemeanors and provides exceptions; amends KRS 431.525 to prohibit bail from exceeding the amount of fine and court costs for specified misdemeanors and provides exceptions; creates a new section of KRS Chapter 431 to establish conditions for pretrial release and bail based on risk of flight and danger before trial and requires credit toward bail based on time spent in jail before trial; creates a new section of KRS Chapter 27A to require the Supreme

Court to use evidence-based programs; creates a new section of KRS Chapter 196 to require the Department of Corrections to promulgate regulations regarding the use of evidence-based practices for treatment and supervision programs; creates new sections of KRS 439.250 to 439.560 to require the Department of Corrections to use evidence-based practices for treatment and supervision programs and to train its employees in the implementation of those practices, report on the efforts to implement evidence-based practices, administer a risk and needs assessment upon entry into community supervision and at regular intervals, permit parolees to receive compliance credits, develop a system of graduated sanctions and related procedures, permit modification of probation, establish an administrative caseload supervision program, and require sanctions for failure to comply with conditions of supervision; creates a new section of KRS Chapter 27A to require the chief justice to submit annual reports detailing various court statistics; amends KRS 196.031 to require additional information in the Justice Cabinet's annual report; creates a new section of KRS Chapter 196 to require the Department of Corrections to create an online database with specified sentencing information; creates new sections of KRS Chapter 196 to require the Department of Corrections to calculate savings from the new provisions and to require the savings to go toward a local corrections assistance fund and reinvestment in specified services and programs; amends various sections of KRS Chapter 196 to permit the department to create community corrections pilot projects, require a report, and establish a fund; creates a new section of KRS Chapter 6, relating to the General Assembly, to require more information on fiscal impact statements; amends KRS 441.045 and 441.053 to require the use of the Medicaid rate in billing for jail prisoner medical and related costs and to lower the threshold for accessing state funding for a county prisoner's medical costs from \$2,000 to \$1,000; establishes a mechanism for the medical provider to directly access that funding; requires that payments be made at the Medicaid rate; establishes security and payment responsibilities for prisoners in and out of custody; creates and amends various other sections in KRS Chapter 441 to require a certificate of need before building a new local correctional facility; amends KRS 533.010 to require the court to consider a defendant's risk and needs assessment before sentencing; creates a new section of KRS Chapter 534 to require a per diem credit for fines and costs based on time spent in jail or community service; amends various sections of KRS Chapter 439 to place persons on postincarceration supervision under the authority of the Parole Board; amends KRS 532.043, relating to conditional discharge for sex offenses, to modify the supervision to postincarceration supervision and to specify that persons on postincarceration supervision are subject to the authority of the Parole Board; amends KRS 532.120 to permit expungement of charges for misdemeanors or violations that were dismissed or amended; amends KRS 532.120 to transfer the responsibility for awarded sentence credit for prior confinement from a sentencing court to the Department of Corrections and provides exception; creates a new section of KRS Chapter 27A to require the creation of an application for deferred prosecution and to authorize the Administrative Office of the Courts to develop a listing of persons who have had their records sealed; creates noncodified language authorizing the Department of Corrections and the Court of Justice to implement a pilot project to supervise high-risk probationers; creates noncodified language directing the promulgation of administrative regulations to implement the direct state fund billing provisions for medical providers to be done in consultation with various affected stakeholders; makes an appropriation to the department to improve the Kentucky Offender Management System; creates noncodified language reauthorizing the task force; amends various other sections to conform; provisions relating to mandatory reentry supervision EFFECTIVE JANUARY 1, 2012, provisions relating

to presentence procedure EFFECTIVE JULY 1, 2013, provisions relating to judicial use of evidence-based practices EFFECTIVE JANUARY 1, 2013, provisions relating to annual report from chief justice EFFECTIVE NOVEMBER 1, 2013, provisions relating to sentencing information EFFECTIVE JULY 1, 2013, provisions relating to sex offender postincarceration supervision EMERGENCY.

#### **HB 464**

AN ACT relating to the correction of factual errors in state-adopted textbooks.

Creates a new section of KRS Chapter 156 to require the Kentucky Board of Education to promulgate administrative regulations that include procedures for reviewing and resolving claims of factual errors found in textbooks after adoption by the State Textbook Commission.

#### **HB 470**

AN ACT relating to mortgage originator licensing.

Amends KRS 286.8-290 to exempt from the mortgage originator licensing requirements of Subtitle 8 of KRS Chapter 286 a person who originates a mortgage loan secured by a dwelling, who is exempted by an order of the commissioner of the Department of Financial Institutions, and whose exemption would not violate registration requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act.

#### **HB 478**

AN ACT relating to budget memoranda.

Amends various sections of the Kentucky Revised Statutes to delete all references to budget memoranda; and amends KRS 45.031 and 48.620 to conform.

#### **HJR 5**

Requires the Director of the Legislative Research Commission to engage the services of a consulting firm to conduct a comprehensive study of the effectiveness and efficiency of the economic development initiatives and incentive programs offered by the Commonwealth and administered by the Cabinet for Economic Development and the Tourism, Arts and Heritage Cabinet; requires the consulting firm to examine the economic and fiscal impacts associated with each development program and whether the program is being administered as intended by the General Assembly; requires the consulting firm to examine the reporting requirements and information-sharing requirements of the relevant executive branch agencies; requires the consulting firm to examine claw-back provisions in place in the Commonwealth; requires the consulting firm to conduct a thorough, in-depth examination of the process used by the Kentucky Economic Development Partnership Board to select each secretary of the Cabinet for Economic Development; requires the consulting firm to compare the salary of each secretary of the Cabinet for Economic Development with the equivalent counterparts in surrounding states; and requires that the study and recommendations be transmitted to the Legislative Research Commission on or before December 1, 2011.

#### **HCR 13**

Directs the Legislative Research Commission to establish the Legislative Task Force on Childhood Obesity to meet at least monthly during the 2011 Interim of the General Assembly;

and requires the task force to report any recommendations and findings by November 30, 2011, to the Legislative Research Commission and the Interim Joint Committee on Health and Welfare.

**HJR 19**

Designates honorary names for various roads and bridges and directs the placement of honorary roadside signs.

**HCR 37**

Expresses support for federal legislation requiring the United States Environmental Protection Agency to consider affordability and the financial capabilities of communities when implementing its combined sewer overflow control measures.

**HCR 114**

Urges greater awareness of the need to use specially designed medical alert bands by persons using blood thinners to prevent fatal head injuries.

**HCR 138**

Urges Congress to direct more resources and attention to providing treatment to combat military personnel and combat veterans suffering from posttraumatic stress disorder and other combat-related stress disorders.

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