

General Assembly Action 2012 Regular Session

Informational Bulletin No. 238

Legislative Research Commission
Frankfort, Kentucky

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A Staff Summary of Legislative Enactments

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Foreword

The 2012 Regular Session of the General Assembly convened Tuesday, January 3, 2012, and adjourned *sine die* Thursday, April 12, 2012, having met for 60 legislative days. During this session, 771 bills and 619 resolutions were introduced, including 220 Senate bills and 551 House bills.

Of the bills introduced, 33 Senate bills and 121 House bills passed both chambers and were delivered to the Governor. The Governor exercised his veto authority in two House bills.

The Governor also received eight joint and concurrent resolutions.

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

Robert Sherman
Director

Legislative Research Commission
Frankfort, Kentucky
June 2012

Bill Numbers to Acts Chapters

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 3	122	HB 85	47	HB 338	80	HB 495	52
SB 24	123	HB 90	48	HB 341	81	HB 496	26
SB 32	124	HB 93	6	HB 344	82	HB 497	116
SB 38	150	HB 112	49	HB 347	13	HB 499	110
SB 40	125	HB 121	4	HB 348	33	HB 500	117
SB 43	27	HB 122	55	HB 349	20	HB 502	111
SB 55	126	HB 123	56	HB 351	83	HB 509	112
SB 57	127	HB 128	57	HB 353	21	HB 510	147
SB 58	128	HB 135	58	HB 358	14	HB 511	113
SB 75	53	HB 137	50	HB 362	84	HB 518	114
SB 82	129	HB 148	5	HB 366	85	HB 519	148
SB 89	130	HB 155	59	HB 369	86	HB 533	118
SB 90	32	HB 156	60	HB 371	12	HB 539	119
SB 91	17	HB 168	61	HB 378	151	HB 545	161
SB 92	28	HB 171	62	HB 379	87	HB 550	162
SB 95	131	HB 189	63	HB 383	88	HB 559	120
SB 97	132	HB 203	10	HB 385	89	HB 563	121
SB 110	133	HB 207	64	HB 388	90		
SB 114	134	HB 215	65	HB 390	91	HCR 29	35
SB 115	135	HB 221	11	HB 392	92	HCR 53	36
SB 123	54	HB 224	7	HB 396	93	HCR 129	37
SB 124	16	HB 227	66	HB 398	94	HCR 155	38
SB 131	29	HB 232	51	HB 399	22	HCR 162	155
SB 144	136	HB 246	157	HB 400	23	HJR 11	15
SB 150	30	HB 255	145	HB 402	34	HJR 23	153
SB 152	137	HB 256	67	HB 409	95	HJR 77	154
SB 157	138	HB 265	144	HB 411	24		
SB 160	139	HB 267	149	HB 417	96		
SB 162	140	HB 268	19	HB 419	159		
SB 163	31	HB 269	68	HB 421	97		
SB 178	141	HB 276	69	HB 425	98		
SB 198	142	HB 277	70	HB 429	115		
SB 213	143	HB 278	71	HB 433	99		
		HB 281	72	HB 439	25		
HB 1	1	HB 282	73	HB 440	100		
HB 2	2	HB 287	9	HB 441	160		
HB 23	39	HB 293	8	HB 444	101		
HB 37	40	HB 294	158	HB 449	102		
HB 42	41	HB 295	74	HB 458	103		
HB 50	42	HB 300	75	HB 461	104		
HB 54	156	HB 302	3	HB 465	105		
HB 56	43	HB 308	76	HB 467	106		
HB 62	44	HB 309	77	HB 480	107		
HB 69	45	HB 311	152	HB 481	108		
HB 71	46	HB 324	78	HB 484	109		
HB 72	18	HB 328	79	HB 485	146		

Senate Bills

SB 3

AN ACT relating to drugs.

Amends KRS 218A.1446 to require the use of the electronic sales logging system, to limit the maximum dispensing amount of an ephedrine-related drug without a prescription to 7.2 grams per month and 24 grams per year, to require the system to block sales to certain purchasers who commit methamphetamine-related offenses, and to require annual statistical reporting; and creates a new section of KRS Chapter 218A to require the administrative office of the courts to provide relevant conviction data to the administrator of the electronic sales logging system.

SB 24

AN ACT relating to school entrance age.

Amends KRS 158.030 to require a child to be 6 years of age by August 1 rather than October 1 to enter a public school beginning with the 2017-2018 school year; permits a child who is 5 years of age by August 1 rather than October 1 to enter a primary school program beginning with the 2017-2018 school year; and requires each local board of education to adopt an appeal process for a parent or guardian who wants a student to enter school when the student does not meet the age requirements.

SB 32

AN ACT creating the Kentucky Blue Alert System.

Creates new sections of KRS Chapter 16 to require the Department of Kentucky State Police to operate a Kentucky Blue Alert Network to provide public notification through the use of the news media and highway signs when a peace officer is killed or seriously injured, and an offender who is being sought has been identified; limits use of the emergency alert system to after being permitted by federal government; and designates act as the "Trooper Jonathan K. Leonard Kentucky Blue Alert System Act."

SB 38

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

Amends KRS 158.812 to express legislative goals for career and technical education; amends KRS 158.810 to define terms related to career and technical education; creates a new section of KRS Chapter 156 to require the Department of Education to issue core content standards, assess student progress, and develop new courses relevant to college and career readiness; creates a new section of KRS Chapter 158 providing for the creation and use of evidence-based models assessing the needs of at-risk students; creates a new section of KRS Chapter 157 to define terms related to career and technical education and to establish a career and technical education accessibility fund; amends KRS 158.814 to address unmet needs for career and technical education; amends KRS 158.816 to add criteria to the assessment of technical education students; and amends KRS 18A.010 to exempt technology center employees from the count of full-time executive branch employees; EMERGENCY.

SB 40

AN ACT relating to alcoholic beverages.

Amends KRS 241.010 to clarify the definition of “qualified historic site” seating requirement and remove lodging requirement, specifies that restaurants must receive at least 50 percent of their food and beverage income from the sale of food; amends KRS 242.1295, 243.032, 243.250, and 244.090 to require a restaurant to derive at least 50 percent of its food and beverage sales from the sale of food; amends KRS 243.220 to rescind the requirement that a retail alcohol licensee premises have a street-level entrance in a business center or on a main thoroughfare and removes the accompanying exemptions; amends KRS 153.460, 244.125, 244.290, and 244.295 to require a restaurant to derive less than 50 percent of its food and beverage sales from the sale of alcohol; and amends KRS 243.042 to clarify that qualified historic site licenses may be issued to any qualifying property in a wet territory or in a precinct that has voted to authorize qualified historic sites under KRS 242.1242.

SB 43

AN ACT relating to an alternative high school diploma.

Amends KRS 156.160 to require the Kentucky Board of Education to promulgate administrative regulations for an alternative high school diploma for students with disabilities completing a modified curriculum and an individualized course of study; amends KRS 158.140 to require local boards of education to award the diploma to eligible students; and amends KRS 313.040 to conform.

SB 55

AN ACT relating to emergencies.

Creates a new section of KRS Chapter 39B to permit interstate mutual aid agreements for emergency responses; recognizes the credentials of emergency responders from other states; establishes parameters for immunity from liability; specifies that all benefits that emergency responders have within their jurisdiction will extend to them when providing services outside of their jurisdiction; and requires mutual aid agreements to be approved by each political subdivision involved.

SB 57

AN ACT relating to public records.

Amends KRS 213.116, relating to the collecting of data, to require the Cabinet for Health and Family Services to provide on its website downloadable forms pertaining to divorces by January 1, 2013; and amends KRS 214.556 to exempt the Kentucky Cancer Registry from the Open Records Act and permit the Kentucky Cancer Registry to release some information at its discretion for public health purposes.

SB 58

AN ACT relating to crimes and punishments.

Amends KRS 431.005, relating to arrests, to permit a peace officer to make an arrest or issue a citation for a violation of KRS 508.030, misdemeanor assault in the 4th degree, if the officer, did not view the commission of the offense but has probable cause to make the arrest, and if the assault occurred in the emergency room of a hospital; defines “emergency room”; and

amends KRS 431.015, mandating the use of a citation in lieu of arrest, to exempt an arrest for 4th degree assault in a hospital emergency room.

SB 75

AN ACT relating to slow-moving vehicles and declaring an emergency.

Amends KRS 189.050 to provide an alternative lighting system for motorless vehicles operated on a highway at night; amends KRS 189.820 to provide for an alternative means of marking motorless, slow-moving vehicles with reflective tape rather than using the slow-moving vehicle emblem; and amends KRS 189.930 to conform; EMERGENCY.

SB 82

AN ACT relating to long-term care facility administrators.

Amends KRS 216A.010 to add and redefine terms; amends KRS 216A.020, 216A.030, and 216A.040 to change “nursing home” to “long-term care”; prohibits a person who has been disciplined within the last 5 years from serving on the board; allows the board to establish an exception to the general requirement that a long-term care facility shall operate under the supervision of a long-term care administrator; amends KRS 216A.050 to delete language prescribing staggering of initial terms; amends KRS 216A.060 to require at least three meetings of the board per year; increases board member compensation from \$50 to \$120; deletes a private admonishment as a disciplinary measure; amends KRS 216A.070 to add a disciplinary penalty of up to \$2,000 per violation; changes “nursing home” to “long-term care”; allows the board to place conditions on a license issued to a long-term care administrator that has been disciplined by another state’s board; amends KRS 216A.080 and 216A.090 to change “nursing home” to “long-term care”; permits online application; amends KRS 216A.130 and 216A.150 to change “nursing home” to “long-term care”; permits board refusal to issue license to an administrator disciplined in another state in the last 5 years; amends KRS 216A.990 to make misdemeanor violations punishable by a fine of not more than \$100; and repeals KRS 216A.100 and 216.120

SB 89

AN ACT relating to seat belts.

Amends KRS 189.125 to apply seat belt requirements to vehicles designed to carry 15 or fewer passengers, rather than 10 or fewer.

SB 90

AN ACT relating to unclaimed funds in the possession of jailers.

Creates a new section of KRS Chapter 441 to establish a process for the return of money remaining in an inmate account or prisoner canteen account after the release of a prisoner and for the transfer of unclaimed money to the jail’s canteen account; and amends KRS 393.010 to declare that the unclaimed funds are not subject to escheat under KRS Chapter 393.

SB 91

AN ACT relating to ambulance taxing districts.

Amends KRS 108.110 to allow the number of a single-county ambulance service taxing district board of directors to be three or five members.

SB 92

AN ACT relating to agriculture.

Amends KRS 261.200 to create, amend, and delete definitions; amends KRS 261.230 to require buying stations to be licensed, to require stockyards to annually identify dealers that conduct business with the stockyards, and to verify that dealers are properly licensed and bonded; amends KRS 261.240 to require buying stations to file monthly reports to the department regarding the number of livestock received and sold; amends KRS 261.250 to require buying stations to permit the department to inspect their business records; amends KRS 261.260 to require buying stations to be bonded and to require each facility to show independent proof of creditworthiness; amends KRS 261.270 to require buying stations to use certified weigh scales; amends KRS 261.280 to prohibit buying stations from misweighing livestock; amends KRS 261.990 to impose additional fines and penalties to stockyards and buying stations; amends KRS 261.370 to conform; and creates a new section of KRS Chapter 261 to require market agencies to be licensed by the department.

SB 95

AN ACT relating to improving student academic achievement in school.

Creates new sections of KRS Chapter 158 to outline rationale for summer learning camps; defines terms; encourages the establishment of summer learning camps for students who are identified for Title I services that meet certain minimum requirements and that include innovative instruction in the core academic areas and enrichment activities; creates a new section of KRS Chapter 157 to describe how funding may be provided; provides that, in districts with no summer learning camps, the funds shall be used for closing the achievement gap; directs the Legislative Research Commission to establish a legislative task force to develop a strategy to provide computing devices for fifth- and sixth-grade students; establishes task force by June 1, 2012; and requires a report of findings to Interim Joint Committee on Education no later than December 1, 2012; EMERGENCY.

SB 97

AN ACT relating to property.

Repeals and reenacts various sections of Article 7 of KRS Chapter 355 and creates several new sections of Article 7 of KRS Chapter 355 to adopt the 2003 amendments to Article 7 of the Uniform Commercial Code, relating to Documents of Title; updates and modernizes Article 7 to provide 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 references to electronic documents and tangible documents of title; amends KRS 355.2-103 to reference the definition of "control"; amends KRS 355.9-521 to establish the forms to be used for recording a financing statement, addendum, or amendment in the form and format set forth in the official text of the 2010 amendment to Article 9 of the Uniform Commercial Code promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws; 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, KRS 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, 355.0-326, 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, 355.9-520 355.9-601, and 355.9-607, to conform; creates new sections of Article 9 of KRS Chapter 355 to prohibit filing of a financing statement if not authorized under KRS 355.9-509 or 355.9-708 or if the financing statement is not related to a valid or potential commercial or financial transaction, and which is filed with an intent to harass, hinder, or defraud a qualified person identified in the financing statement; authorizes a qualified person to file an affidavit, in a form to be developed by the Secretary of State, asserting that the individual who filed a financing statement was not authorized or permitted to file the statement with the Secretary of State under penalty of perjury; requires the Secretary of State to promptly transmit a financing statement which is required by KRS 355.9-501 to the office designated for the filing or recording of a record of a mortgage on real property including an affidavit, and to promptly file a termination statement with respect to the financing statement identified in the affidavit and advise the secured party of record of the termination statement filing; permits the secured party of record to request administrative review of the filing or bring an action in Circuit Court against the individual who filed the affidavit, and requires the Secretary of State to comply with the order of the court with respect to filing the termination or noting that an action has been filed; provides that Sections 91 to 99 shall take effect on July 1, 2013; provides that Article 9 applies to a transaction or lien within its scope, even if created prior to the effective date; provides that a security interest perfected immediately prior to the effective date of Sections 91 to 99 of this Act is deemed a perfected security interest under Article 9, but a security interest perfected immediately prior to the effective date shall meet the applicable requirements for perfection under Article 9 within 1 year of the effective date of Sections 91 to 99 of this Act; establishes the method of perfecting a security interest which was unperfected on or before the effective date of Sections 91 to 99 of this Act; provides that the filing of a financing statement before Sections 91 to 99 of this Act take effect shall satisfy the requirements for perfection under Article 9, but the perfection shall cease to be effective if it would have ceased to be effective at the time Sections 91 to 99 of this Act 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 Sections 91 to 99 of this Act take effect does not continue the effectiveness of the financing statement, but timely filing of the continuation statement afterward and in accordance with the law of the jurisdiction shall make the financing statement effective before Sections 91 to 99 of this Act take effect for the period provided by the law of the other jurisdiction; provides that an unperfected security interest immediately preceding the effective date of Sections 91 to 99 of this Act shall be perfected without further action if the requirements of Article 9 were met on the effective date of Sections 91 to 99 of this Act, or if the requirements of Sections 91 to 99 are met after their effective date; 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 Sections 91 to 99 of this Act determines priority of conflicting claims to collateral, unless the relative priorities of the claims were established before they took effect; amends KRS 382.430 to require a mortgage or other evidence of indebtedness filed for record with any county clerk to include the mailing address of the lienholder; deletes the provision that failure to record an assignment of a debt shall result in the original holder or owner being liable for the taxes and provides that any mortgage that has been recorded by the

county clerk shall not be deemed invalid or ineffective for failure to include the principal place of business of the mortgagee or holder of the note or other evidence of indebtedness; creates a new section of KRS Chapter 186A to provide that a lease transaction does not create a sale or security interest in a motor vehicle or trailer because of a lease clause for terminal rental adjustment; and provides that Sections 91 to 99 of this Act take effect July 1, 2013.

SB 110

AN ACT relating to community use of school facilities and property.

Creates a new section of KRS Chapter 411 to provide limited civil immunity to school districts and personnel who make school property available for recreational use by members of the community during non-school hours.

SB 114

AN ACT relating to step therapy.

Creates a new section of Subtitle 17A of KRS Chapter 304 to define “step therapy,” “fail-first protocol,” and “override of the restriction” relating to prescription drug restrictions; establishes step therapy or fail-first protocol limitations; requires the prescribing practitioner to have access to a clear and convenient process to request an override of the restriction from the insurer; requires an override of the restriction from the insurer to be granted within 48 hours if it is established that all necessary information to perform the override review has been provided by the prescribing practitioner documenting that the preferred treatment has been ineffective in treatment of the insured’s disease or medical condition, that the preferred treatment is expected or likely to be ineffective based on characteristics of the insured and of the drug regimen, or that the preferred treatment will likely cause an adverse reaction or other physical harm to the insured; requires that duration of any step therapy or fail-first therapy not be longer than a period of 30 days if deemed and documented as clinically ineffective; and permits an extension up to seven additional days if the prescribing practitioner can demonstrate through sound clinical evidence that any relief or amelioration to the insured is likely to require more than 30 days.

SB 115

AN ACT relating to personal-care homes.

Creates a new section of KRS 216.750 to 216.780 to require a medical examination prior to admission to a personal-care home that includes a medical history, physical examination, and diagnosis; permits the medical evaluation to include a discharge summary or health and physical report from a physician, hospital, or other health care facility if completed within 14 days prior to admission; prohibits the admission of a person under the age of 18 to a personal-care home; amends KRS 216.595 to include individuals with other brain disorders in assisted living communities; and provides that the new section be known as “Larry’s Law.”

SB 123

AN ACT relating to referendum.

Creates a new section in KRS Chapter 65 to establish that referendum petition requirements include the petitioner’s printed name, signature, year of birth, and residential address, and the date the petitioner signed the petition and to require that, to be eligible to sign the petition, a person must live in the district or jurisdiction that will be effected by the referendum and be a registered voter.

SB 124

AN ACT relating to motor vehicle operator's licenses.

Amends KRS 186.450 to provide that motor vehicle instruction permit holders are not required to be accompanied by a person who is at least 21 years of age when being supervised by a driver training instructor on a multiple-vehicle driving range; and amends KRS 186.010 to define multiple-vehicle driving range.

SB 131

AN ACT relating to advanced practice doctoral programs at comprehensive universities.

Amends KRS 164.295 to allow the comprehensive universities to offer a combined maximum of 18 advanced practice doctoral programs with the approval of the Council on Postsecondary Education; provides each comprehensive university the opportunity to offer a minimum of two programs; requires a review of the approval process in 5 years or once 18 programs are approved, whichever occurs first; and provides for, upon completion of the review, the Council on Postsecondary Education to retain the maximum or recommend a new maximum to the General Assembly.

SB 144

AN ACT relating to electronic prescribing.

Creates new sections of KRS 217.005 to 217.215 and Chapter 218A to state that electronic prescribing shall not interfere with a patient's freedom to select a pharmacy; permits the use of clinical messaging and pop-up windows in electronic prescription software, if the information is consistent with FDA information; permits the software to show information about a payor's formulary, copayment, or benefit plan only if it does not preclude a practitioner from selecting any pharmacy, drug, device, or controlled substance; and requires the Commonwealth to consider electronic prescribing and electronic prior authorization standards developed by the National Council for Prescription Drug Programs.

SB 150

AN ACT relating to sewer collection charges.

Amends KRS 74.407 to allow water districts that also provide sewer services to bill for water service and sewer service rates simultaneously; permits a water district to enforce collection of rates and charges for sewer services by discontinuing water service until payment of any charges is made or a payment arrangement is reached; and permits a water district that provides sewer services but is not the water supplier to enforce collection of delinquent sewer service charges in the manner provided by KRS 96.930 to KRS 96.943.

SB 152

AN ACT relating to underground facility damage protection.

Amends sections of KRS Chapter 367, relating to 811 "Call before you dig" to include timber harvesting with mechanized equipment within the activities potentially damaging to underground utilities; amends KRS 367.4909 to create three types of locate requests with response times for each and requires new underground facilities to be installed with the means to locate them from the surface; amends KRS 367.4911 to allow excavators to begin work before the 2-day time period has elapsed if all utilities have responded; amends KRS 367.4913 to specify the makeup of the board of a one-call center and directs the board to determine the cost

for the center's services; amends KRS 367.4915 to include in the list of exempted activities hand probing and nonintrusive excavating done to locate underground facilities; and amends KRS 367.4917 to create a penalty for making a false report of an emergency.

SB 157

AN ACT relating to administrative regulations.

Amends KRS 13A.010 to clarify definitions; amends KRS 13A.040 to specify that the administrative regulations compiler shall not accept for filing administrative regulations that do not conform to specified provisions, rather than to all of KRS Chapter 13A; amends KRS 13A.050 to require LRC to maintain the official version of the administrative regulations in an electronic database and to permit the Administrative Register to be published rather than printed; amends KRS 13A.220 to require that an electronic version be filed with the paper copy of an administrative regulation and to specify that, if there are differences between the paper and electronic version, the electronic version controls; amends KRS 13A.222 to add "including but not limited to" to the list of phrases not used in an administrative regulation; amends KRS 13A.2245 to clarify that an administrative body may incorporate by reference a code or uniform standard required or authorized, rather than merely required, by federal or state law; amends KRS 13A.2255 to require that a copy of amended material incorporated by reference developed by the promulgating administrative body be filed with the changes marked and specify that the regulations compiler shall not be required to keep those marked copies once the administrative regulation has been adopted or withdrawn; amends KRS 13A.230 to add additional cross-references for required forms; amends KRS 13A.250 to clarify that the fiscal note on state or local government is required for all administrative regulations; amends KRS 13A.255 to authorize an administrative body to e-mail the required notice regarding a fee establishment or increase; amends KRS 13A.270 to specify what constitutes a comment period and clarify that administrative bodies are not required to send copies of an amended-after-comments administrative regulation to its initial notification list; amends KRS 13A.280 to require that changes in an amended-after-comments version be typed in bold and require the administrative body to send copies of the amended-after-comments version with the statement of consideration to those who specifically request a copy from the administrative body rather than to those persons attending the hearing or who submitted comments; amends KRS 13A.300 and 13A.315 to provide that an administrative regulation shall not be deferred more than 12 consecutive months; amends KRS 13A.320 to require that amendments initiated by an administrative body be filed at least 3 days, rather than 5 days, prior to a subcommittee meeting; permits amendments drafted by subcommittee staff on behalf of a subcommittee to be in a committee substitute format; authorizes a subcommittee to make an amendment orally at a meeting; and repeals KRS 13A.080 and 13A.160.

SB 160

AN ACT relating to communication.

Amends KRS 281.625 regarding notices of application for certificates of operating authority, to eliminate the requirement that the Transportation Cabinet provide notices of new applications to current certificate holders; requires applicants to publicly advertise their intentions to apply in accordance with KRS 424.130; allows that in addition to advertisement under KRS Chapter 424, notice of intent to apply can be given by email to existing certificate holders; creates a new section of KRS Chapter 281 to set forth the style and manner of notice;

amends KRS 12.145 to require state agencies to use certified mail or registered mail for correspondence or notifications that the Finance and Administration Cabinet determines, by promulgation of administrative regulations under KRS Chapter 13A, warrants proof of receipt that those methods of delivery provide; allows agencies of state government to use any method of governmental, commercial, or electronic delivery for any other correspondence or notifications upon approval of the administrative regulation; amends KRS 446.010 to define “certified mail” as any governmental, commercial, or electronic method of delivery that allows a document or package to have proof of sending, delivery, and signature, and to define “registered mail” as any governmental, commercial, or electronic method of delivery that allows a document or package to have proof of chain of custody, insurance, and signature of recipient; repeals 2011 Ky. Acts ch. 10, sec. 4; and makes KRS 186.162 and 186.1722, as created or amended by 2011 Ky. Acts Ch. 10, relating to an I Support Veterans special license plate, effective on the normal effective date for legislation enacted at the 2012 Regular Session of the General Assembly.

SB 162

AN ACT relating to registered geologists.

Amends KRS 322A.010 to remove the definition of “qualified geologist”; amends KRS 322A.020 to authorize the state geologist to designate a person to represent him or her at meetings of the board; amends KRS 322A.030 to grant the board specific investigatory powers so that it may enforce the chapter, investigate complaints or suspected violations, and notify law enforcement; establishes jurisdiction for Kentucky resident appeals of board actions in the Circuit Court of the county where the person resides or where the person has his or her principal office; establishes jurisdiction for an out-of-state resident’s appeal of a board action in Franklin Circuit Court; amends KRS 322A.040 to allow a local or state government geologist to become a registered geologist by meeting the education, experience, and examination requirements by July 31, 2015; amends KRS 322A.060 to establish biennial registration renewal rather than annual registration renewal; amends KRS 322A.080 to end the registration exemption for local or state government geologists after July 31, 2015; amends KRS 322A.100 to allow the board to discipline a licensee by imposing an administrative fine of up to \$1,000 per violation; permits discipline against a licensee who is convicted of a felony involving sexual misconduct or a crime where dishonesty is a necessary element; and deletes several references to the transitional period surrounding the initial formation of the board.

SB 163

AN ACT relating to courtesy cards issued by the Kentucky Board of Embalmers and Funeral Directors.

Amends KRS 316.140 to outline the conditions a person licensed in another state or federal district as an embalmer or funeral director shall meet to obtain a courtesy card, including the completion of an application for a courtesy card on a form provided by the board, and paying a fee that shall not exceed the amount of the fee for renewal for a funeral director or embalmer licensed under the chapter; mandates that the board promulgate administrative regulations necessary for administration and enforcement; adds the expiration date for a courtesy card of July 31 of each year; prescribes what the holder of a courtesy card may undertake as to acts of funeral directing; mandates that a courtesy card holder shall comply with all laws in Kentucky when engaging in funeral directing in the state; directs the board to report any disciplinary measure taken by the board against a courtesy card holder to the state board or agency that issued

the courtesy card holder's embalmer or funeral director license or certification; and prohibits various acts by a courtesy card holder.

SB 178

AN ACT relating to the office of county surveyor.

Amends KRS 73.020 to prohibit any person from filing for the office of county surveyor unless he or she produces to the county clerk evidence of having a Kentucky license as a professional land surveyor in accordance with KRS 322.020 and 322.045.

SB 198

AN ACT relating to diabetes educators.

Amends KRS 309.325 to define "practice of diabetes education"; amends KRS 309.327 to prohibit persons engaging in the practice of diabetes education or holding themselves out to be a diabetes educator without a license; and creates a new section of KRS 309.325 to 309.339 to establish that the practice of diabetes education without a license shall be a Class A misdemeanor.

SB 213

AN ACT relating to transitional living support for persons committed to the custody of the Commonwealth.

Amends KRS 600.020 to establish new definitions for "eligible youth," "transitional living support," and "transition plan"; and amends KRS 620.140 to establish that a youth may choose, prior to attaining the age of 19, to extend or reinstate his or her commitment to the Cabinet for Health and Family Services to the age of 21 years old and to establish duties of the Cabinet for Health and Family Services related to the youth's extension or reinstatement of commitment.

Senate Simple Resolutions

SR 280

Confirms the appointment of Steve Austin to the Kentucky Public Transportation Infrastructure Authority.

SR 281

Confirms the appointment of Christopher Godby to the Fish and Wildlife Resources Commission.

SR 282

Confirms the appointment of Thomas J. Stull to the Education Professional Standards Board.

SR 283

Confirms the appointment of Ellen E. Blevins to the Education Professional Standards Board.

SR 284

Confirms the appointment of Michael R. Walker to the Kentucky Public Transportation Infrastructure Authority.

SR 285

Confirms the appointment of Charlie W. Johnson to the Kentucky Public Transportation Infrastructure Authority.

SR 286

Confirms the appointment of Joseph B. Wise III to the Council on Postsecondary Education.

SR 287

Confirms the appointment of Keith Dana Griffee to the Kentucky Lottery Corporation Board of Directors.

SR 288

Confirms the appointment of David Martin Ingordo to the Kentucky Lottery Corporation Board of Directors.

SR 289

Confirms the appointment of Tommy W. Chandler to the Kentucky Personnel Board.

SR 290

Confirms the appointment of Tilford "Ted" Richardson to the Kentucky Lottery Corporation Board of Directors.

SR 291

Confirms the appointment of Rosemary F. Center to the Kentucky Registry of Election Finance.

SR 292

Confirms the appointment of Donald W. Blevins to the Kentucky Personnel Board.

SR 293

Confirms the appointment of Allen E. Kennedy to the Education Professional Standards Board.

SR 294

Confirms the appointment of Brandy L. Beardsley to the Education Professional Standards Board.

SR 295

Confirms the appointment of Kimberly S. McCann to the Governor's Postsecondary Education Nominating Committee.

SR 296

Confirms the appointment of Ronald Anthony Strong to the Education Professional Standards Board.

SR 297

Confirms the appointment of Benjamin S. Lawson to the Agricultural Development Board.

SR 298

Confirms the appointment of Marie Renee McMillen to the Education Professional Standards Board.

SR 299

Confirms the appointment of Sarah G. Johnson to the Parole Board.

SR 300

Confirms the appointment of Jim Sidebottom to the Agricultural Development Board.

SR 301

Confirms the appointment of Barbara Ann Boyd to the Education Professional Standards Board.

SR 302

Confirms the appointment of Betty B. Bailey to the Agricultural Development Board.

SR 303

Confirms the appointment of Cecil F. Dunn to the Kentucky Board of Tax Appeals.

SR 304

Confirms the appointment of Dwayne F. Depp to the Parole Board.

SR 305

Confirms the appointment of Shae Hopkins to the Governor's Postsecondary Education Nominating Committee.

SR 306

Confirms the appointment of John Caudill to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

SR 307

Confirms the appointment of Roy G. Collins to the Agricultural Development Board.

SR 308

Confirms the appointment of Bradley A. Bielski to the Education Professional Standards Board.

SR 309

Confirms the appointment of Debbie B. Hatfield to the Governor's Postsecondary Education Nominating Committee.

SR 310

Confirms the appointment of James D. Fiepke to the Bi-State Authority.

SR 311

Confirms the appointment of J. Duncan Pitchford to the Mine Safety Review Commission.

SR 312

Confirms the appointment of Amanda Spears to the Parole Board.

SR 313

Confirms the appointment of Lawrence F. Smith to the Workers' Compensation Board.

SR 314

Confirms the appointment of Thomas B. Stephens to the Kentucky Registry of Election Finance.

SR 315

Confirms the appointment of C. F. Williams to the Fish and Wildlife Resources Commission.

SR 316

Confirms the appointment of Wayne Hunt to the Agricultural Development Board.

SR 317

Confirms the appointment of Neeka L. Parks Thompson to the Parole Board.

SR 318

Confirms the appointment of Marc Christopher Davis as an administrative law judge for the Department of Workers' Claims.

SR 319

Confirms the appointment of R. Scott Borders as an administrative law judge for the Department of Workers' Claims.

SR 320

Confirms the appointment of Edward D. Hays as an administrative law judge for the Department of Workers' Claims.

SR 321

Confirms the appointment of Grant Stewart Roark as an administrative law judge for the Department of Claims.

SR 322

Confirms the appointment of Thomas W. Mattingly to the Agricultural Development Board.

SR 323

Confirms the appointment of Glenn D. Denton to the Council on Postsecondary Education.

SR 324

Confirms the appointment of William David Donan to the Mine Safety Review Commission.

SR 325

Confirms the appointment of Douglas W. Gott as an administrative law judge for the Department of Workers' Claims.

SR 326

Confirms the appointment of Sam H. Newcomb to the Board of Directors of the Kentucky Employers' Mutual Insurance Authority.

SR 328

Confirms the appointment of Troy D. Rankin to the Agricultural Development Board.

SR 329

Confirms the appointment of Marie Renee McMillen to the Education Professional Standards Board.

SR 330

Confirms the appointment of Michael R. Walker to the Kentucky Public Transportation Infrastructure Authority.

SR 331

Confirms the appointment of Laranna L. May to the Education Professional Standards Board.

SR 332

Confirms the appointment of Voncel Thacker to the Fish and Wildlife Resources Commission.

SR 333

Confirms the appointment of William J. Rudloff as an administrative law judge in the Department of Workers' Claims.

SR 334

Confirms the appointment of Allison E. Jones as an administrative law judge in the Department of Workers' Claims.

SR 335

Confirms the appointment of Jonathon R. Weatherby as an administrative law judge in the Department of Workers' Claims.

SR 336

Confirms the appointment of Samuel E. Moore to the Agricultural Development Board.

SR 337

Confirms the appointment of Dan E. Flanagan to the Council on Postsecondary Education.

SR 342

Confirms the appointment of David L. Armstrong to the Public Service Commission.

House Bills

HB 1

AN ACT relating to redistricting and declaring an emergency.

(HH001C04) Amends various sections of KRS Chapter 5 to divide the Commonwealth into the following representative districts: DISTRICT 1 - Ballard, Carlisle, Fulton, Hickman, McCracken (part); DISTRICT 2 - Graves, McCracken (part); DISTRICT 3 - McCracken (part); DISTRICT 4 - Caldwell, Crittenden, Livingston, Trigg (part); DISTRICT 5 - Calloway, Trigg (part); DISTRICT 6 - Lyon, Marshall, McCracken (part); DISTRICT 7 - Daviess (part), Henderson (part), Union; DISTRICT 8 - Christian (part); DISTRICT 9 - Christian (part), Hopkins (part); DISTRICT 10 - Jefferson County (part); DISTRICT 11 - Daviess (part), Henderson (part); DISTRICT 12 - Daviess (part), Hopkins (part), McLean, Webster; DISTRICT 13 - Daviess (part); DISTRICT 14 - Daviess (part), Ohio; DISTRICT 15 - Christian (part), Hopkins (part), Muhlenberg; DISTRICT 16 - Logan, Todd, Warren (part); DISTRICT 17 - Butler, Edmonson, Warren (part); DISTRICT 18 - Breckinridge, Hancock, Hardin (part); DISTRICT 19 - Grayson, Hardin (part); DISTRICT 20 - Warren (part); DISTRICT 21 - Warren (part); DISTRICT 22 - Allen, Simpson, Warren (part); DISTRICT 23 - Barren, Warren (part); DISTRICT 24 - LaRue, Marion, Washington; DISTRICT 25 - Hardin (part); DISTRICT 26 - Bullitt (part), Hardin (part); DISTRICT 27 - Hardin (part), Meade; DISTRICT 28 - Jefferson County (part); DISTRICT 29 - Jefferson County (part); DISTRICT 30 - Jefferson County (part); DISTRICT 31 - Jefferson County (part); DISTRICT 32 - Jefferson County (part); DISTRICT 33 - Jefferson County (part), Oldham (part); DISTRICT 34 - Jefferson County (part); DISTRICT 35 - Jefferson County (part); DISTRICT 36 - Garrard, Lincoln; DISTRICT 37 - Jefferson County (part); DISTRICT 38 - Jefferson County (part); DISTRICT 39 - Fayette (part), Jessamine (part); DISTRICT 40 - Jefferson County (part); DISTRICT 41 - Jefferson County (part); DISTRICT 42 - Jefferson County (part); DISTRICT 43 - Jefferson County (part); DISTRICT 44 - Jefferson County (part); DISTRICT 45 - Fayette (part), Jessamine (part); DISTRICT 46 - Jefferson County (part); DISTRICT 47 - Boone (part), Carroll, Gallatin, Henry, Trimble; DISTRICT 48 - Jefferson County (part), Oldham (part); DISTRICT 49 - Bullitt (part); DISTRICT 50 - Nelson; DISTRICT 51 - Adair, Taylor; DISTRICT 52 - Clinton, Pulaski (part), Wayne; DISTRICT 53 - Green, Hardin (part), Hart, Metcalfe; DISTRICT 54 - Boyle, Mercer (part); DISTRICT 55 - Anderson, Mercer (part), Spencer; DISTRICT 56 - Fayette (part), Franklin (part), Woodford; DISTRICT 57 - Franklin (part); DISTRICT 58 - Oldham (part), Shelby; DISTRICT 59 - Oldham (part); DISTRICT 60 - Boone (part); DISTRICT 61 - Grant, Kenton (part), Owen; DISTRICT 62 - Fayette (part), Scott (part); DISTRICT 63 - Boone (part), Kenton (part); DISTRICT 64 - Campbell (part), Kenton (part); DISTRICT 65 - Kenton (part); DISTRICT 66 - Boone (part); DISTRICT 67 - Campbell (part); DISTRICT 68 - Campbell (part); DISTRICT 69 - Boone (part), Kenton (part); DISTRICT 70 - Bracken, Fleming, Lewis (part), Mason; DISTRICT 71 - Lewis (part), Morgan, Rowan; DISTRICT 72 - Bath, Bourbon, Fayette (part), Nicholas; DISTRICT 73 - Clark, Fayette (part); DISTRICT 74 - Menifee, Montgomery, Powell; DISTRICT 75 - Fayette (part); DISTRICT 76 - Fayette (part); DISTRICT 77 - Fayette (part); DISTRICT 78 - Harrison, Pendleton, Robertson, Scott (part); DISTRICT 79 - Fayette (part); DISTRICT 80 - Casey, Madison (part), Pulaski (part), Rockcastle; DISTRICT 81 - Madison (part); DISTRICT 82 - Laurel (part), Whitley; DISTRICT 83 - Cumberland, Monroe, Pulaski (part), Russell; DISTRICT 84 - Harlan (part), Perry; DISTRICT 85 - Laurel (part), Pulaski (part); DISTRICT 86 - Knox, Laurel (part); DISTRICT 87 - Bell, Harlan (part); DISTRICT 88 - Fayette (part), Madison (part);

DISTRICT 89 - Jackson, Laurel (part), McCreary; DISTRICT 90 - Clay, Laurel (part), Leslie; DISTRICT 91 - Breathitt, Estill, Lee, Madison (part), Owsley; DISTRICT 92 - Knott, Letcher (part), Magoffin, Wolfe; DISTRICT 93 - Harlan (part), Letcher (part), Pike (part); DISTRICT 94 - Letcher (part), Pike (part); DISTRICT 95 - Floyd, Pike (part); DISTRICT 96 - Fayette (part); DISTRICT 97 - Johnson, Lawrence (part), Martin; DISTRICT 98 - Boyd (part), Greenup, Lewis (part); DISTRICT 99 - Boyd (part), Carter, Elliott, Lawrence (part); DISTRICT 100 - Boyd (part); PLAN INTEGRITY VERIFIED; (SH001S02) amends various sections of KRS Chapter 5 to divide the Commonwealth into the following senatorial districts: DISTRICT 1 - Calloway, Fulton, Graves, Hickman, Livingston, Lyon, Trigg; DISTRICT 2 - Ballard, Carlisle, Marshall, McCracken; DISTRICT 3 - Caldwell, Christian, Crittenden, Union; DISTRICT 4 - Fayette (part); DISTRICT 5 - Breckinridge, Butler, Grayson, Hancock, Hart, Meade; DISTRICT 6 - Henderson, Hopkins, McLean, Webster; DISTRICT 7 - Anderson, Fayette (part), Franklin, Owen, Woodford; DISTRICT 8 - Daviess, Ohio; DISTRICT 9 - Adair, Barren, Edmonson, Green, LaRue, Metcalfe, Monroe; DISTRICT 10 - Hardin, Jefferson County (part); DISTRICT 11 - Boone (part); DISTRICT 12 - Fayette (part); DISTRICT 13 - Bath, Fleming, Harrison, Lewis, Mason, Montgomery, Nicholas, Robertson; DISTRICT 14 - Casey, Lincoln, Marion, Mercer, Taylor, Washington; DISTRICT 15 - Bullitt, Nelson; DISTRICT 16 - Clinton, Cumberland, Pulaski, Russell, Wayne; DISTRICT 17 - Grant, Kenton (part), Scott; DISTRICT 18 - Boyd, Carter, Greenup; DISTRICT 19 - Jefferson County (part); DISTRICT 20 - Boone (part), Carroll, Gallatin, Henry, Jefferson County (part), Shelby, Spencer; DISTRICT 21 - Laurel, McCreary, Whitley; DISTRICT 22 - Boyle, Fayette (part), Garrard, Jessamine; DISTRICT 23 - Kenton (part); DISTRICT 24 - Bracken, Campbell, Pendleton; DISTRICT 25 - Clay, Jackson, Knox, Lee, Menifee, Owsley, Rowan, Wolfe; DISTRICT 26 - Jefferson County (part), Oldham, Trimble; DISTRICT 27 - Allen, Logan, Muhlenberg, Simpson, Todd, Warren (part); DISTRICT 28 - Bourbon, Clark, Fayette (part), Powell; DISTRICT 29 - Floyd, Harlan, Knott, Letcher; DISTRICT 30 - Bell, Breathitt, Johnson, Leslie, Magoffin, Perry; DISTRICT 31 - Elliott, Lawrence, Martin, Morgan, Pike; DISTRICT 32 - Warren (part); DISTRICT 33 - Jefferson County (part); DISTRICT 34 - Estill, Madison, Rockcastle; DISTRICT 35 - Jefferson County (part); DISTRICT 36 - Jefferson County (part); DISTRICT 37 - Jefferson County (part); DISTRICT 38 - Jefferson County (part); PLAN INTEGRITY VERIFIED; (J0956B01) amends KRS 21A.010 to divide the Commonwealth into the following Supreme Court districts: DISTRICT 1 - Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Webster; DISTRICT 2 - Barren, Breckinridge, Bullitt, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, LaRue, Meade, Metcalfe, Monroe, Spencer, Warren; DISTRICT 3 - Adair, Bell, Boyle, Casey, Clinton, Cumberland, Garrard, Green, Jessamine, Knox, Laurel, Lincoln, Marion, McCreary, Mercer, Nelson, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, Whitley; DISTRICT 4 - Jefferson County; DISTRICT 5 - Anderson, Clark, Fayette, Franklin, Madison, Scott, Shelby, Woodford; DISTRICT 6 - Boone, Bourbon, Bracken, Campbell, Carroll, Gallatin, Grant, Harrison, Henry, Kenton, Mason, Nicholas, Oldham, Owen, Pendleton, Robertson, Trimble; DISTRICT 7 - Bath, Boyd, Breathitt, Carter, Clay, Elliott, Estill, Fleming, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Rowan, Wolfe; PLAN INTEGRITY VERIFIED; amends KRS 5.010 to conform; authorizes precinct names to be shortened to accommodate formatting requirements of the bill drafting system and the precinct

names to be provided in full in codification; specifies how county and precinct names are to be displayed depending on whether the territory of the county or precinct is included in a particular legislative district in its entirety or in part and directs how those items will be displayed in codification; directs county boards of elections to change precinct boundaries to conform to representative and senatorial district boundaries; and declares that plans within the Act are non-severable; EMERGENCY.

HB 2

AN ACT relating to extending the filing deadline for congressional candidates and declaring an emergency.

Extends the filing deadline for congressional candidates to February 7, 2012, for the 2012 primary and for no other election; and permits the Secretary of State, for the 2012 primary and for no other election, to determine when the drawing for ballot positions for congressional candidates will be held and when the certification of congressional candidates will be determined; EMERGENCY.

HB 23

AN ACT relating to judicial sales.

Amend KRS 426.200 and 426.520 to require in judicially ordered land sales that any appraisals of the land made pursuant to the court-ordered sale process be publicly available prior to the sale.

HB 37

AN ACT relating to districts of innovation.

Creates a new section of KRS Chapter 156 to define “district of innovation” and related terms; authorizes the Kentucky Board of Education to approve districts of innovation; limits initial approval and subsequent renewals to 5-year periods; directs the board to promulgate administrative regulations to prescribe the conditions and procedures to be used by a local board of education to be approved as a district of innovation; specifies what the administrative regulations shall address; creates a new section of KRS Chapter 160 to describe the requirements for a district to be an applicant as a district of innovation; prescribes the statutory requirements with which schools of innovation within districts of innovation must comply; requires 70 percent of eligible employees in a school to vote in favor of becoming a school of innovation before the school is eligible to be a participant; describes the conditions under which a school may be exempt from KRS 160.345 or sections thereof; and identifies areas in which districts may request approval of practices that differ from current statutory requirements.

HB 42

AN ACT relating to motor vehicle personal injury reparation benefits.

Amends KRS 304.39-241 to authorize an insured to explicitly direct the payment of motor vehicle reparation benefits for incurred medical expenses arising from a covered loss to a health benefit plan, a limited health service benefit plan, Medicaid, Medicare, or a Medicare supplement provider that has paid related medical expenses.

HB 50

AN ACT relating to refunding transactions.

Creates a new section of KRS Chapter 56 to define terms and to require that savings generated from reduced debt service payments due to a refunding transaction be deposited in the budget reserve trust fund account.

HB 54

AN ACT relating to the criminal justice system.

Amends KRS 431.066, relating to pretrial release and bail options, to define verified and eligible defendant and clarify how bail credit is to be earned; amends KRS 431.520, relating to release on personal recognizance or unsecured bail bond, to allow a court to deny release if a person is a flight risk or danger and to specify how bail credit is to be applied; amends KRS 431.530, relating to deposit of bail security, to specify that a defendant who earns full credit toward bail is not required to make a deposit with the clerk; amends KRS 534.060, relating to response to nonpayment of fines, to delete obsolete language that conflicts with the jail credit provisions in KRS 534.070; amends KRS 534.070, relating to incarceration for failure to pay fines or court costs, to specify how credit earned against the fines and costs is to be applied; amends KRS 218A.1413, relating to trafficking in the second degree, to clarify the mens rea for lesser amounts; amends KRS 218A.275 to include the possibility of voiding convictions for possession of controlled substances first degree under certain circumstances and prohibit eligibility if a previous charge has been dismissed under deferred prosecution; amends KRS 218A.14151 to conform; amends KRS 26A.400, relating to drug court, to clarify the types of grants to be evaluated; amends KRS 27A.097, relating to judicial support agencies, to apply the use of evidence-based practices to supervision and intervention programs for defendants; amends KRS 439.320 to remove obsolete language regarding part-time parole board members; amends KRS 439.335 to clarify how an inmate's risk and needs assessment is to be used for purposes of parole; amends KRS 439.3406, relating to mandatory reentry supervision, to clarify supervision requirements and procedures; amends KRS 441.420, 441.430, 441.440, and 441.450, relating to local jail construction, to modify construction requirements; amends KRS 532.080, relating to persistent felony offenders, to remove an obsolete reference to a misdemeanor offense; amends KRS 196.111, relating to evidence-based practices, to make a technical correction; amends KRS 6.949, relating to corrections impact statement, to modify required elements and processes; requires the Criminal Justice Council to oversee the implementation of the Public Safety and Offender Accountability Act; amends KRS 202A.410 to add judges and witnesses to the list of persons to be notified upon the release or escape of an involuntarily committed person; creates a new section of KRS 532.200 to 532.250, relating to home incarceration, to require sentence credit for time served in pretrial home incarceration; amends KRS 532.120, relating to calculation of terms of imprisonment, to conform; applies home incarceration credit to defendants sentenced on or after the effective date of the Act; and makes technical corrections.

HB 56

AN ACT relating to economic development.

Amends KRS 154.32-090 to permit a local jurisdiction that imposes an occupational license fee to request a waiver from the Kentucky Economic Development Finance Authority to

offer alternative inducements of similar value; and allows the authority to approve a waiver if it determines that the circumstances warrant alternative contributions by the local jurisdiction.

HB 62

AN ACT relating to filing deeds in lieu of foreclosure in the county clerk's office.

Amends KRS 382.110, relating to the recording of deeds and instruments, to require a mortgage holder to file a deed in lieu of foreclosure with the county clerk within 45 days of the execution of the instrument's execution; amends KRS 382.990 to assess a penalty in the form of a violation of law for any mortgage holder who fails to file a deed in lieu of foreclosure; and amends KRS 142.050, relating to the assessment of a transfer tax on property, to exempt filing deeds in lieu of foreclosure from the transfer tax.

HB 69

AN ACT relating to early education assessment and intervention.

Creates a new section of KRS Chapter 158 to define "aphasia," "dyscalculia," dyslexia," "phonemic awareness," and "scientifically based research"; requires the Kentucky Board of Education to promulgate administrative regulations for districtwide implementation and reporting of kindergarten through grade 3 response-to-intervention in reading by August 1, 2013, in mathematics by August 1, 2014, and in behavior by August 1, 2015; requires the Department of Education to make available technical assistance, training, and a Web-based resource to assist all local school districts in the implementation of the system and instructional tools based on scientifically based research; requires the department to collaborate with other state agencies and organizations; requires conformity with 20 U.S.C. sec. 1414(a)(1)(E) for initial evaluations of students with suspected disabilities; requires the department to report to the Interim Joint Committee on Education on implementation by November 30, 2013, and annually thereafter; and amends KRS 157.200 to conform with the federal definition of a "specific learning disability."

HB 71

AN ACT relating to probate fees.

Amends KRS 61.315 to include metropolitan and urban-county correctional officers with peace officer powers, jailers, and deputy jailers as individuals eligible to receive in the line of duty death benefits; and exempts the estate of anyone who is eligible for state death gratuity benefits, and the estate of any regular member of the Armed Forces, from probate fees.

HB 72

AN ACT relating to concealed deadly weapons.

Amends KRS 237.138, relating to retired peace officers who wish to carry concealed weapons, to delete reference to the 2004 version of the federal Law Enforcement Officer Safety Act and retains reference to the Law Enforcement Officer Safety Act; and requires the Department of Kentucky State Police to promulgate administrative regulations.

HB 85

AN ACT relating to Confederate pensions.

Repeals KRS Chapter 206 relating to Confederate pensions.

HB 90

AN ACT relating to election reports.

Amends KRS 121.120 to require electronic filing of election finance reports for candidates and slates of candidates running for statewide office, and for campaign committees of those candidates and slates, beginning with the elections in 2015; allows electronic filing on the Internet or on optical or magnetic disk; and amends KRS 121.180 to require the Kentucky Registry of Election Finance, if funds are available, to offer the option of electronic reporting to candidates, committees, fundraisers, and persons making independent expenditures.

HB 93

AN ACT relating to personal watercraft.

Amends KRS 235.285 to clarify that the Rules of the Road for personal watercraft are part of the federal Inland Navigation Rules, 33. C.F.R. pt. 83.

HB 112

AN ACT relating to the minimum age requirements for mayors and members of local legislative bodies and councils.

Amends KRS 67C.103, 67C.105, and 83A.040 to lower the age at which a person is eligible to hold the office of council member to 18 years and office of mayor to 21 years.

HB 121

AN ACT relating to POW/MIA flags.

Creates a new section of KRS Chapter 2 to define “Prisoner of War and Missing in Action flag” and to require that any POW/MIA flag purchased or displayed by a public institution be manufactured in the United States.

HB 122

AN ACT relating to local ordinances concerning residential care facilities.

Creates a new section of KRS Chapter 65 to define “cabinet,” “local government,” “persons with disability,” and “residential care facility”; prevents local governments from imposing additional licensing or other requirements on private agencies that receive public funding or on government agencies that provide group home services for the disabled; allows local governments to request information on facilities within their jurisdictions; limits information to be provided; requires additional updates yearly and in certain conditions; mandates information provided for certain agencies; exempts released information from Open Records Act; and clarifies that this exemption applies only to the local government.

HB 123

AN ACT relating to land use.

Amends KRS 100.217 to allow a city of the second class within a county containing a consolidated local government to establish an independent board of zoning adjustment with exclusive jurisdiction within the city’s territorial jurisdiction; and amends KRS 219.410, regarding exemptions from the requirements to obtain a permit for trailer, mobile home, or recreational vehicle parks, to exempt the temporary parking of recreational vehicles, for no more than 30 days, in association with publicly advertised events such as fairs, festivals, sporting events, or yard sales, from the need to obtain a permit.

HB 128

AN ACT relating to bed and breakfast establishments.

Amends KRS 219.011 to define “bed and breakfast establishment,” “bed and breakfast home,” “bed and breakfast inn,” and “farmstay”; requires innkeepers to reside on or adjacent to the premises of a bed and breakfast establishment during periods of occupancy; and amends KRS 247.4015 to include farmstays as farm animal activity sponsors.

HB 135

AN ACT relating to unclaimed life insurance benefits.

Creates a new section of Subtitle 15 of KRS Chapter 304 to require insurers to compare in-force life insurance policies against the Death Master File to determine potential matches of their insureds; requires escheatment of policy proceeds after the expiration of the fee statutory time period only if no claim for the policy’s proceeds has been made and if good faith efforts to contact the retained asset holder and any beneficiary are unsuccessful; exempts life insurance policies provided under a governmental plan, a church plan, or a federal employee benefit plan, those used to fund a preneed funeral contract or prearrangement, and policies issued to a creditor to insure the lives of debtors in connection with a specific loan or other credit transaction; and establishes an effective date of January 1, 2013.

HB 137

AN ACT relating to the licensure of health care professionals who use radiation for imaging and therapy and making an appropriation therefor.

Creates KRS Chapter 311B, relating to the licensure of medical imaging technologists and radiation therapists; establishes legislative policy favoring regulation by a licensing board; defines terms; creates the Kentucky Board for Medical Imaging and Radiation Therapy to license and regulate advanced imaging professionals, medical imaging technologists, radiographers, radiation therapists, nuclear medicine technologists, and limited X-ray machine operators; establishes board membership and procedural requirements; establishes board powers and duties; establishes minimum qualifications and powers of the board’s executive director; requires the board to recognize and enforce the standards of the national organizations for the medical imaging and radiation therapy professions; prohibits practice of the regulated professions without a license from the board; exempts practitioners of the healing arts, students, and federal government employees from the chapter; exempts any licensed health care practitioner or provider who is working within the license for that person’s profession, training, or services from KRS Chapter 311B or any related administrative regulations; lists those professions requiring a license from the board; authorizes the board to establish the qualifications for acquiring and maintaining licensure, with the power to identify other specialties or categories of duties consistent with KRS Chapter 311B; directs the board to promulgate administrative regulations to set licensing fees and reasonable fines; establishes a trust and agency fund from licensing and other fees for use by the board; waives fees and sets special procedures for licensees serving in the United States Armed Forces; allows only licensees to act as a licensee, employ an imaging or radiation professional, manipulate ionizing radiation equipment, or administer radiopharmaceuticals; requires any person to alert the board when a licensee has committed certain acts or has become unfit or incompetent to practice; lists reasons the board may deny, revoke, or suspend a license; describes procedures for administrative hearings for licensee

discipline; defines conditions for instituting civil penalties; repeals KRS 211.870, 211.890, and 211.993; and establishes procedures for initial board appointments.

HB 148

AN ACT relating to gas pipeline safety.

Amends KRS 278.992 to delete the \$25,000 maximum penalty and replace it with civil penalties contained in federal code; and makes technical corrections.

HB 155

AN ACT relating to the creation and administration of trusts and estates.

Amends KRS 386.454, relating to the Kentucky Principal and Income Act, to permit a trustee to reallocate principal to income without court approval under named circumstances; amends KRS 386.450 to define “unitrust,” explain duties of fiduciary, and establish rules for conversion of a trust to a unitrust; creates new sections and amends sections of KRS Chapter 386 to create Kentucky “decanting” statutes that permit creation of a new trust; requires that notice provided by the trustee to a beneficiary be delivered to the beneficiary by certified mail, restricted delivery, and with a return receipt; permits the trustee to seek court approval to effectuate the purpose behind the notice if delivery cannot be made; amends KRS 386.502 to clarify the effective date of the Kentucky Uniform Principal and Income Act; amends KRS 386.810 and 395.195 to permit a trustee to deal with Medicare surtax issues; amends KRS 381.180 relating to spendthrift trusts to deal with Federal income tax and related issues; and creates new sections of KRS Chapter 387 to create a self-settled special needs “Pay Back” trust.

HB 156

AN ACT relating to probate.

Amends KRS 395.605 to permit periodic settlement of informal estates.

HB 168

AN ACT relating to school district superintendents.

Amends KRS 160.380 to define an alternative education program as a program that serves students who enroll voluntarily or who enroll involuntarily due to behavior problems; prohibits a superintendent from assigning a teacher or classified person to an alternative program as part of any disciplinary action or as part of a corrective action plan; and amends KRS 160.346, 160.990, and 161.044 to conform.

HB 171

AN ACT relating to deadly weapons.

Amends KRS 527.020, relating to concealed deadly weapons, to permit a retired Commonwealth’s or county attorney and retired assistant Commonwealth’s or county attorney to carry a concealed deadly weapon statewide with a concealed deadly weapon license.

HB 189

AN ACT relating to local government.

Creates new sections of KRS Chapter 67 to establish criteria for the filing of a petition for a charter county commission, including committee membership, criteria of affidavit, clerk’s obligations for petition committee, sufficiency of petition, number of signatures, and clerk’s

requirements for determining and reporting sufficiency or insufficiency; establishes procedures for amendment to a petition in the event of insufficient signatures; makes final determination of sufficiency the purview of Circuit Court; requires the continued honoring of any contracts, franchises, obligations, or bonds, to include collective bargaining, by a charter county government; requires any conflicts to be resolved in a manner that does not impair any rights of parties to contracts; amends KRS 67.825 to prevent a vote to adopt a charter county government in a county containing a unified local government; amends KRS 67.830 to establish petition requirements; permits elected or appointed officials to serve and vote on charter commission; allows mayors, subject to legislative approval, to make appointments to charter commission; requires that the charter commission include within its comprehensive plan a provision for modification of the plan if certain planned localities do not participate, a time frame for modification, local governments responsible for modification, and the process for and criteria for modification; clarifies voting procedures for acceptance of the comprehensive plan; requires that a majority of the unincorporated area and the largest city, or 50 percent of the urban population, vote for the comprehensive plan; requires procedures for dissolution in the plan of the charter county government; prohibits dissolution for a period of at least 5 years; requires that any charter plan be presented within 4 years; provides that the commission may be extended for 6 months, if two-thirds of members agree; allows any city whose voters do not approve of the plan to opt out of any charter county government; requires that no plan may be presented for 5 years after the failure of a charter county plan; amends KRS 67.845 and KRS 67.855 to clarify that certain provisions apply only to participating cities; amends publication requirements to conform to the provisions of KRS 424.120; amends KRS 67.910 to require the unification plan to include procedures for dissolution of plan; requires that the unification commission include within its unification plan a provision for modification of the plan if certain planned localities do not participate, a time frame for modification, local governments responsible for modification, and the process for and criteria for modification; clarifies voting procedures for acceptance of the unification plan; establishes requirements for dissolution plan; prohibits dissolution for 5 years; amends KRS 67.918 to require a majority of the unincorporated area and the largest city, or 50 percent of the urban population, to vote for the unification plan; and amends KRS 512.070 to allow a local government to classify a violation of KRS 512.070 to as a civil offense; EFFECTIVE January 1, 2013.

HB 203

AN ACT relating to reorganization.

Amends KRS 12.020 to reorganize various entities within the Personnel Cabinet; renames the Department for Personnel Administration the Department of Human Resources Administration; renames the Office of Government Training the Governmental Services Center; renames the Department for Employee Insurance the Department of Employee Insurance; amends KRS 18A.025 to create the Division of Insurance Administration within the Department of Employee Insurance; amends KRS 18A.025 to create the Division of Financial and Data Services within the Department of Employee Insurance; creates the Office of Diversity and Equality within the Office of the Secretary; creates the Center for Strategic Innovation within the Office of the Secretary; amends KRS 18A.025 to create the Division of Technology Services within the Department of Human Resources Administration; abolishes the Division of Employee Benefits and transfers responsibilities to the Office of Employee Relations; abolishes the Division of Employee Benefits and transfers responsibilities to the Office of Employee

Relations; abolishes the Division of Communications and Recognition and transfers all duties to the Office of Employee Relations; renames the Division of Staffing Services the Division of Career Opportunities; amends various sections of the Kentucky Revised Statutes to conform; and confirms Executive Order 2011-352.

HB 207

AN ACT relating to insurance.

Creates a new section of Subtitle 20 of KRS Chapter 304 to define “commercial property and casualty,” “loss run statement,” and “provide”; requires an insurer to provide a loss run statement within 20 days of a written request from an insured or an agent; requires the receiving insurer to provide the statement to the insured within five calendar days of receipt; provide that a loss run statement shall be for a 5-year loss run history or a complete history of the insured if less than 5 years; prohibits the receiving insurance agent from divulging confidential consumer information to a third person; prohibits an insurer from charging a fee for preparing and furnishing a loss run statement; amends KRS 304.48-035, relating to liability self-insurance groups, and KRS 304.50-155, relating to group self-insurance funds, to reference and apply the loss run requirements and penalties for failure to comply; creates a new section of Subtitle 99 of KRS Chapter 304 to provide that an agent who fails to provide a loss run statement as requested within the specified time frame to an insured or an agent shall be fined not less than \$100 nor more than \$250 for each day the agent fails to provide the statement; creates a new section of Subtitle 12 of KRS Chapter 304 to require insurers to inform claimants upon notification of a motor vehicle damage claim that the claimant has a right to choose a repair facility and provides that appraisals for motor vehicle damage claims shall include a notice so stating; exempts the repair or replacement of automobile glass from the notice requirement; and creates a new section of Subtitle 99 of KRS Chapter 304 to provide that persons who fail to give the required notice for selecting a repair facility shall be subject to a civil fine in an amount not less than \$250 and not more than \$5,000.

HB 215

AN ACT relating to electrical inspections and licensure.

Directs the Department of Housing, Buildings, and Construction to create a task force to study the effect of possible changes to the laws on electrical inspection and licensure on Kentucky’s electricians and electrical inspectors; requires the task force to include its findings and recommendations in its final report; directs the task force to seek input from the state’s electrical inspectors, electricians, and any other relevant parties; names the membership of the task force; and mandates submission of the task force’s final report to the Legislative Research Commission by November 1, 2012.

HB 221

AN ACT relating to veteran’s designations on operator’s licenses.

Amends KRS 186.412 to permit a veteran to request, at the time of application or renewal, that a personal identification card or an operator’s license issued under KRS 186.412 bear a designation denoting the applicant’s status as a veteran; requires that the word “veteran” be on the face or the back of the license or personal identification card; requires applicant to present an original or copy of his or her DD-214 form; and exempts circuit clerk from any liability for misread or fraudulent DD-214 forms.

HB 224

AN ACT relating to the Kentucky National Guard.

Creates a new section of KRS Chapter 36 to establish the Kentucky National Guard Adoption Assistance Program; and amends KRS 36.474 to allow money in the military family assistance trust fund to be used for the Kentucky National Guard Adoption Assistance Program.

HB 227

AN ACT relating to money transmitter permissible investments

Amends KRS 286.11-015, relating to money transmitter licensees' permissible investments, to define and limit past due or doubtful receivables and authorize investment in a share or certificate issued by a registered open-end management investment company whose portfolio is restricted to current permissible investments for a licensee.

HB 232

AN ACT relating to sheriff's collection fees for volunteer fire department membership charges or subscriber fees.

Amends KRS 75.450 and 273.401 to authorize the sheriff to retain an amount not to exceed 4.25 percent of the collected volunteer fire department membership charges or subscriber fees.

HB 246

AN ACT relating to the Metropolitan College.

Amends KRS 141.381 to extend until April 15, 2017, the tax credit for a qualified taxpayer that is a partner in Metropolitan College.

HB 255

AN ACT relating to disaster recovery and declaring an emergency.

Creates a new section of KRS Chapter 139 to provide a sales tax refund for the purchase of building materials to repair or replace a building damaged or destroyed during a disaster; requires the Commissioner of Education to waive up to 10 instructional days for a school district located in a county in which a disaster has been declared; allows a school district located in a county in which a disaster has been declared to substitute attendance data for school year 2010-2011 for attendance data for school year 2011-2012 for the purpose of calculating Support Education Excellence in Kentucky funds; requires certified and classified personnel of a school district located in a county in which a disaster has been declared to make up any student instructional days waived by participating in instructional activities or professional development or by being assigned additional work responsibilities; and applies retroactively to the disaster occurring on February 29 to March 3, 2012; EMERGENCY.

HB 256

AN ACT relating to veterans.

Creates new sections of KRS Chapter 148 to establish the Iraq/Afghanistan War Memorial Committee for purposes of establishing the Iraq/Afghanistan War Memorial and determining an entity responsible for oversight of construction, maintenance, and upkeep of the Iraq/Afghanistan War Memorial; and establishes the Iraq/Afghanistan War Memorial Fund to be administered by the Tourism, Arts and Heritage Cabinet.

HB 265

AN ACT relating to appropriations providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

Appropriates to the Executive Branch from the General Fund (Tobacco), General Fund, Restricted Funds, Federal Funds, Road Fund, Bond Funds, Agency Bonds, Capital Construction Surplus, Investment Income, Statewide Deferred Maintenance Fund, and other funds, \$63,133,600 in fiscal year 2011-2012, \$30,218,605,000 in fiscal year 2012-2013, and \$26,362,013,900 in fiscal year 2013-2014, as follows:

General Government

2011-2012 \$531,200

2012-2013 \$1,034,044,100

2013-2014 \$1,094,076,200

Economic Development Cabinet

2012-2013 \$29,274,100

2013-2014 \$21,533,300

Department of Education

2012-2013 \$4,620,142,300

2013-2014 \$4,609,701,100

Education and Workforce Development Cabinet

2012-2013 \$2,594,428,300

2013-2014 \$2,593,400,200

Energy and Environment Cabinet

2011-2012 \$952,000

2012-2013 \$258,485,500

2013-2014 \$256,189,100

Finance and Administration Cabinet

2011-2012 \$395,400

2012-2013 \$774,279,400

2013-2014 \$793,927,200

Health and Family Services Cabinet

2012-2013 \$7,948,452,800

2013-2014 \$8,360,852,200

Justice and Public Safety Cabinet

2012-2013 \$893,271,000

2013-2014 \$898,486,700

Labor Cabinet

2012-2013 \$217,727,900

2013-2014 \$220,373,900

Personnel Cabinet

2012-2013 \$67,656,600

2013-2014 \$68,960,400

Postsecondary Education

2012-2013 \$6,650,008,000

2013-2014 \$6,865,417,100

Public Protection Cabinet

2012-2013 \$112,931,600

2013-2014 \$114,507,900

Tourism, Arts and Heritage Cabinet

2011-2012 \$9,000,000

2012-2013 \$211,210,400

2013-2014 \$215,905,800

Funds Transfer to General Fund

2012-2013 \$91,726,000

2013-2014 \$86,153,800

Phase I Tobacco Settlement Funding Program

2012-2013 \$94,393,600

2013-2014 \$93,093,500

Not included in the above appropriation amounts are capital project amounts as follows:

Capital Projects

2011-2012 \$52,255,000

2012-2013 \$4,806,693,000

2013-2014 \$248,683,000;

provides General Fund (Tobacco) moneys for the Early Childhood Advisory Council; authorizes the Kentucky Veterans' Centers to continue weekend and holiday pay incentives; allows the Commissioner of the Department of Veterans' Affairs to approve travel and per diem expenses for Congressional Medal of Honor recipients; provides debt service to the Department of Veterans' Affairs; provides funds for the Brain Injury Alliance and Epilepsy Foundation; caps the amount of principal an applicant can owe the Kentucky Agricultural Finance Corporation; allows for the allocation of Tobacco Settlement Funds to county councils for administrative costs; provides General Fund (Tobacco) moneys for the Agricultural Development Fund's counties account; requires unexpended fiscal year 2011-2012 Finance and Administration Cabinet debt service funds to carry forward to fiscal year 2012-2013; provides debt service to the Kentucky Infrastructure Authority; provides Local Government Economic Development Fund (LGEDF) moneys to support services provided to coal-producing counties; provides that the Governor's call of the Kentucky National Guard to active duty is a necessary government expense; provides that disaster or emergency aid funds are necessary government expenses; provides funds for residential youth-at-risk programs; provides debt service to the Department for Local Government; provides funds to support the 12 multi-county regional industrial park authorities; provides funds for the Joint Funding Administration Program; declares that General Fund moneys appropriated for the LGEDF are based on the State Budget Director's official estimate of coal severance tax collections; declares that no General Fund appropriation is provided to the Kentucky Workers' Compensation Funding Commission; provides that the transfer of funds from the LGEDF to the General Fund be made after the transfer to the Osteopathic Medicine Scholarship Program; provides that the quarterly calculation and transfer of moneys from the General Fund to the LGEDF be made only after funds are appropriated to the Trover Clinic; provides that the quarterly calculation and transfer of moneys from the General Fund to coal-producing counties through the LGEDF be made only after funds are appropriated to the School Facilities Construction Commission, Water and Sewer Resources Development Fund for Coal-Producing Counties, KIA Infrastructure for Economic Development Fund for Coal-Producing Counties, Infrastructure for Economic Development Fund for Coal-

Producing Counties, Read to Achieve, Robinson Scholars Program, Kentucky Infrastructure Authority, Department for Local Government, Mining Engineering Scholarship Program, Operations and Support Services for school technology in coal-producing counties, Office of Mine Safety and Licensing, and the Save the Children Program; transfers funds from the LGEDF, Multi-County Fund to the General Fund for the KIA Infrastructure for Economic Development Fund for Coal-Producing Counties, Drug Courts, Operation Unite, Energy Research and Development Fund, 12 multi-county regional industrial park authorities, and the Mine Safety, Licensing, and Mapping application capital project; provides debt service to LGEDF; establishes parameters for county flexibility with LGEDF allocations; prohibits the transfer of funds to the Kentucky Wood Products Competitiveness Corporation; transfers funds to the Coal Fields College Completion Program, contingent on the passage of HB 260; transfers funds for a veterans' cemetery in Leslie County; transfers LGEDF funds to study the impact of utility rates on the aluminum smelting industry; transfers LGEDF, Multi-County Funds for use for the downtown Lexington redevelopment project; establishes an appropriation limit for the Area Development Fund; allows area development district flexibility; prohibits salary increases for employees of the Executive Branch Ethics Commission; allows Restricted Funds to be used for the continuation of activities within the Office of the Secretary of State; transfers oversight and administration of the One-Stop Business Portal to the Secretary of State; declares that amounts above those appropriated to match Federal Funds for the Help America Vote Act are necessary government expenses; authorizes the State Board of Elections to set a rate for new voter registration fees and expenses; declares that costs associated with special elections, additional precincts with a voting machine, additional registered voters, and new voters are necessary government expenses; makes costs associated with expert witnesses for the Office of Attorney General necessary government expenses and establishes a reporting requirement; provides annual and sick leave service credit for any former employee of the United Prosecutorial System appointed to a full-time position; establishes that the Transportation Cabinet shall review the costs of distributing Child Sexual Abuse License Plates and that revenue received from the plates shall be transferred to the Child Victims' Trust Fund; allows the Attorney General to suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave; allows funds to be expended in support of the Office of Attorney General; prohibits the expenditure of funds received from the National Mortgage Settlement and requires quarterly reporting of receipts; provides funds for the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER); requires the Prosecutors Advisory Council to approve compensation for employees of the Unified Prosecutorial System, subject to appropriations made; provides for a recurring Restricted Fund transfer from the Unclaimed Property Fund; provides funds for one additional full-time position in the Department of the Treasury; provides contracting authority to the Purchase of Conservation Easement Program board; provides funds for the Local Agricultural Fair Aid program, the Farms-to-Food Banks Program, and animal shelters; declares that no funds are provided for Auditor of Public Account's scholarships; requires that the Auditor be given right of first refusal for audits; allows the Auditor to suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave; establishes Personnel Board operating assessment; allows the Personnel Board to request a special assessment; allows dependent subsidies for retirees in the Kentucky Employee and County Employee Retirement Systems; declares that water withdrawal fees are tax-exempt; provides

debt service to the School Facilities Construction Commission (SFCC); requires the Urgent Need School Trust Fund; allows the SFCC to make additional offers of assistance so long as the applicable interest rate does not exceed 5 and one-half percent; requires that any unexpended SFCC debt service funds be transferred to the Budget Reserve Trust Fund Account; provides State Medical Insurance Fund (SMIF) financing; allows dependent subsidy for retired teachers younger than 65; authorizes funding notes and provides debt service for SMIF; provides funds for the Teachers' Retirement System, the amortization of sick leave, and for the cost of retiree health insurance; requires funding sources and expenses of the Appropriations Not Otherwise Classified budget unit; provides that repayment of awards or judgments of \$5,000 or more made by the Board of Claims come from the General Fund; provides funds for guardians ad litem and caps their fees at \$500; allows the reissuance of uncashed State Treasurer checks; appropriate funds for police officer, firefighter, active duty National Guard, and Reserve survivor benefits; appropriates no funds for the payment of judgments against the Commonwealth; establishes that interest income from and loan repayments received by the High-Tech Construction/Investment Pool be used to support the Office of Commercialization and Innovation; provides funds for Louisville waterfront development, northern Kentucky waterfront development; the Allen County Industrial Authority, and the Kentucky Innovation and Commercialization Center Program; allows unused balances for Bluegrass State Skills Corporation training grants to carry forward; allows the employment of Department of Education personnel and leadership personnel; includes funds for school technology in districts in coal-producing counties, the Education Technology Program, and the Statewide IT Academy; establishes funding for unbudgeted costs for health and life insurance for local school district employees; provides that the Kentucky Schools for the Blind and Deaf are eligible to participate in the Kentucky Education Technology System; transfers funds to the Cabinet for Health and Family Services for the Family Resource and Youth Services Centers, caps the amount that can be used for administrative purposes, and establishes reporting requirements; provides funds for employer contributions for health insurance and health reimbursement accounts for employees waiving coverage; provides school district flexibility; requires the publication of school districts' annual financial statements and school report cards; requires that supplemental funding distribution include certain Category II and III vocational programs; requires local district coordination with Head Start; allows the Commissioner of Education to use the Commonwealth School Improvement Fund to meet federal requirements; allows local school boards to request permission from the Commissioner of Education to use capital funds for operating expenses; allows the reappointment of members of the State Advisory Council for Gifted and Talented Education; requires allotment policies for the Center for School Safety; allows local boards of education to reduce allocations to schools; provides funds for the Kentucky School for the Blind, the Kentucky School for the Deaf, and various Learning and Results Services programs; allows high school and college dual course credit; establishes funding procedures for residential youth-at-risk programs; sets limits on statewide assessments and program reviews; provides for transfer from the Common School Fund to the SEEK fund; provides funds for the base SEEK program, Tier I component, vocational transportation, secondary vocational education, Teachers' Retirement System employer match, and salary supplements for nationally certified teachers; provides for the allocation of SEEK funds; establishes a timeline for final SEEK calculation; details SEEK adjustment factors; provides funds for facilities equalization funding and retroactive equalized facility funding; requires the school terms for this biennium to include at least 177 6-hour instructional days; provides funds for the Governor's Scholars Program;

requires excess SEEK funds to be transferred to the Budget Reserve Trust Fund; establishes a modified hold-harmless guarantee for local school districts; establishes conditions for school districts' implementation of state disaster days; provides funds for the Governor's Scholars Program; provides funds for the Local Records Grant Program; requires the Department of Libraries and Archives to collaborate regarding archival storage; requires the Department for Libraries and Archives to distribute per capita grants within appropriated amounts; provides funds for the Accessible Electronic Information Service Program; allows the transfer of state-operated secondary vocational education and technology centers to local boards of education; allows the transfer of locally operated secondary vocational education and technology centers to the state; provides that Area Vocational Education Centers are eligible to participate in the Kentucky Education Technology System; provides funds for deaf and hard of hearing accessibility services; authorizes the Education Professional Standards Board (EPSB) to determine EPSB employment details; requires EPSB to requires the minimum number of hours for teacher certification; declares that no funds are provided for the Kentucky Principal Internship Program; provides debt service to the Office of the Secretary of the Energy and Environment Cabinet; declares that no funds are provided for full-time inspectors at each solid-waste municipal landfill; provides debt service to the Environmental Protection budget unit; provides funds for the Kentucky Pride Program and for four additional positions associated with the Clean Water 402 Permitting Program; declares that the cost of emergency fire suppression exceeding \$240,000 annually is a necessary government expense; provides funds for local conservation districts, forestry tree nurseries, and mine safety; allows the use of bond funds for payment for emergency reclamation projects; provides funds for energy research and development; provides debt service to the Public Service Commission; requires amounts that lapse from the Public Service Commission to the General Fund; provides funds for small utilities assistance; creates exceptions to water association certification requirements; restricts use of the state motor vehicle fleet; declares that any Social Security Contingent Liability Fund expenditures are necessary government expenses; provides that General Fund (Tobacco) moneys under the Finance and Administration Cabinet's Debt Service budget unit lapse; provides debt service to the Facilities and Support Services budget unit of the Finance and Administration Cabinet; provides for county costs; increases the required rate of reimbursement for law enforcement officers serving Circuit or District Court; requires reporting of Computer Services Fund receipts; provides that funds may be expended for the operations of the Department of Revenue; requires the use of Road Fund moneys for Road Fund Compliance and Motor Vehicle Property Tax Programs; authorizes property valuation administrators to manage expenditures; prohibits the Kentucky Works Program from participating in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee; provides debt service to the General Administration and Program Support budget unit under the Cabinet for Health and Family Services; authorizes the addition of positions that are 100 percent federally funded for salary and fringe benefits; gives the Secretary of the Cabinet authority to request a revision or reallocation of funds; provides for transfer of excess administrative funds for Medicaid benefits; provides debt service to the Medicaid Administration budget unit; prohibits payment to Medicaid managed care vendors unless their contract requires collection of service category expenditure information; provides funds to support additional Supports for Community Living slots; allows any unexpended General Fund appropriation to carry forward; defines the parameters of the Disproportionate Share Hospital Program; prohibits hospitals from billing patients for services that have been reported to the Cabinet and for which the hospital has received disproportionate

share payments; requires that any provider that publicizes that it has paid the provider tax also publicize the amount of payment received from the Department for Medicaid Services during the same period; declares that no hospital shall be reimbursed from both the Quality and Charity Care Trust Fund and the Disproportionate Share Hospital Program for the same service to the same patient; allows transfer of funds from Medicaid Benefits to the Kentucky Children's Health Insurance Program (KCHIP) to match Federal Funds; requires that any funds received through an intergovernmental transfer agreement between the Department for Medicaid Services and other governmental entities be used for the provision of Medicaid benefits; requires quarterly Medicaid budget analysis reports; establishes guidelines for a Medicaid budget deficit contingency plan; provides for transfer of Medicaid Benefits funds; prohibits acute care hospitals from converting to critical access hospitals unless certain requirements are met; allows Medicaid copayments; provides copayment guidelines for participating Medicaid pharmacies; suspends KCHIP premiums; requires Medicaid Managed Care Organization budget analysis reports quarterly; requires that appeals of Medicaid Managed Care Organization denials of service be reviewed by a physician; provides that mental health disproportionate share hospital funds are budgeted at maximum amounts permitted by the Social Security Administration; provides debt service to the Behavioral Health, Developmental and Intellectual Disabilities budget unit; provides for lease payments for the new Eastern State Hospital; provides General Fund (Tobacco) moneys for substance abuse prevention and treatment for pregnant women with a history of substance abuse; provides funds to the regional mental health-mental retardation boards for increased retirement contribution rates; provides General Fund (Tobacco) moneys for the Health Access Nurturing Development Services Program, Healthy Start, Universal Children's Immunizations, Folic Acid Program, Early Childhood Mental Health, Early Childhood Oral Health, Reach Out and Read, Smoking Cessation, and Early Childhood Development; provides funds to local and district health departments for increased retirement contribution rates; requires the Department for Public Health to submit all requests for payment received from local or district health departments; provides General Fund (Tobacco) moneys for the Early Childhood Development Program; provides funds for Family and Children's Place and for early intervention services; requires that an entity contracting with the Cabinet for Health and Family Services that provides essential services provides local match equal to or greater than the amount in effect during fiscal year 2011-2012; provides funds for Meals on Wheels, personal care attendants, and enhanced guardianship services; provides funds for drug courts in Kentucky's coal-producing counties and for Operation Unite; provides General Fund (Tobacco) moneys for the Office of Drug Control Policy; provides funds for the Madisonville Medical Examiner's Office; provides debt service to the Justice Administration budget unit; provides funds for the Kentucky Law Enforcement Foundation Program Fund, training incentive payments, and training incentive stipends; requires expenditure limits for the Department of Criminal Justice Training; provides funds for Mary Kendall Homes, Gateway Juvenile Diversion, and local prevention programs; declares that expenses related to the Governor's call of the Kentucky State Police to extraordinary duty are necessary government expenses; provides funds for Kentucky State Police and Vehicle Enforcement personnel training incentives; provides debt service to the State Police budget unit; allows the Department of Corrections to adjust appropriations between the Community Services and Local Facilities budget unit and the Adult Correctional Institutions budget unit; requires jailer mental health screening training; provides debt service to the Adult Correctional Institutions budget unit; defines prisoner transfer parameters; requires annual reports on canteen fund proceeds; limits expenditures on new

substance abuse treatment programs to the actual saving calculated in accordance with KRS 196.286; declares that local jail per diem costs that exceed budgetary limits are necessary government expenses; provides funds for local jails; provides funds for the Local Corrections Assistance Fund; provides funds for inmate medical care expenses and counties with life safety or closed jails; directs the allocation of Local Corrections Assistance Fund moneys; allows the Public Advocate to suspend payment of 50-hour blocks of compensatory time for those attorneys who have accumulated 240 hours of compensatory time and instead convert those hours to sick leave; declares that no General Fund appropriation is provided to the Kentucky Workers' Compensation Funding Commission; transfer Restricted Funds to the General Fund to support debt service for the Kentucky Human Resources Information System; provides a pool of funds to be allocated to the Executive Branch agencies that participate in the Public Employees Self-Insured Health Insurance Program to provides the General Fund portion of the increased cost of health insurance; provides funds to support a dependent subsidy for full-time employees of quasi-governmental employers participating in the State Group Health Insurance Program; provides that the funding for the Adult Education and Literacy Funding Program and the Science and Technology Funding Program shall not lapse and shall carry forward; provides for transfer of interest earnings from the Strategic Investment and Incentive Trust Fund; provides General Fund (Tobacco) moneys for the Ovarian Cancer Screening Outreach Program; authorizes refinancing of debt obligations of universities if the payments and obligation is not increased; provides funds for the Washington, DC, Internship Program, Adult Education, Contract Spaces Program, veterinary medicine slots, and optometry slots; requires limit on the salary of the Council on Postsecondary Education president; provides funds for and requires the Adult Learner Degree Attainment Initiative; provides funds for the College Access Program, Kentucky Tuition Grant Program, Teacher Scholarship Program, Kentucky National Guard Tuition Assistance Program, Kentucky Education Excellence Scholarships, and the Work Study Program; requires the transfer of excess KEES money to the KEES Reserve Trust Fund; provides funds for the Community Operations Board at Eastern Kentucky University (EKU); provides funds for the Breathitt Veterinary Center at Murray State University; provides funds for the Mining Engineering Scholarship Program, the Robinson Scholars Program, and diagnostic laboratories at the University of Kentucky; provides debt service to Morehead State University and the University of Louisville; provides funds for the Quality and Charity Care Trust Agreement and requires that for any funds refunded to the Louisville/Jefferson County Metro Government, an equivalent amount be returned to the state; provides funds for the Firefighters Foundation Program Fund and the Firefighters Training Center Fund; provides for the conveyance of Kentucky Community and Technical College System property; requires that KCTCS employees in the University of Kentucky personnel system be treated the same as other KCTCS employees; allows the collaboration of EKU and the Bluegrass Community and Technical College in the establishment and operation of the Lancaster Center; allows the Department of Housing, Buildings and Construction funding flexibility; provides General Fund (Tobacco) moneys for the Kentucky Access Program; provides funds for tourism, marketing, and development on behalf of coal-producing counties and for musicians who perform on the Kentucky Music Trail; provides funds for Outdoor Drama grants, the International Mystery Writers' Festival, and the Actors Theatre of Louisville; prohibits transfer of funds to the Park Capital Maintenance and Renovation Fund; provides debt service to the Parks budget unit; provides funds for Pine Mountain State Park; requires the Horse Park Commission to submit a business plan; provides debt service to the State Fair Board; requires proceeds from the sale of

real property assigned to the State Fair Board to be deposited for the benefit of the State Fair Board; requires the State Fair Board to submit a business plan prior to requesting any additional General Fund appropriations; provides funds for a training incentive stipend for Fish and Wildlife Resources Conservation officers; exempts certain entities receiving state or local arts councils funds from open meetings and open records laws; provides for Capital Construction Fund appropriations and reauthorizations; provides for the expiration of existing line-item capital construction projects; details bond proceeds investment income; provides for appropriations for projects not line-itemized; provides for bond issues for tobacco and non-coal producing counties; provides that if funds from the Capital Construction and Equipment Purchase Contingency Account or Emergency Repair, Maintenance, and Replacement Account are not sufficient, then expenditures of the fund are necessary government expenses; authorizes and appropriates various infrastructure and coal severance projects as well as capital projects for various state agencies and universities; requires the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission to approve all economic development bonds before issuance; provides for the use of New Economy High-Tech Construction/Investment Pool funds and Economic Development Bond Pool funds; provides that funds for the Commonwealth Office of Technology's major equipment purchases shall be transferred from the Operating Budget as funds are available and needed; provides guidelines for agency bond-funded projects for postsecondary institutions; provides for fund designations; provides for the expenditure of excess Restricted Funds or Federal Funds receipts; provides for interim appropriation increases; requires revision of appropriation allotments to conform to statutory requirements; establishes purpose and transfer restrictions for appropriations expenditure; outlines permitted appropriation obligations; requires that any General Fund or Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds lapse to the General Fund or Road Fund Surplus Account; requires a state agency entitled to Federal Funds to conform to statutory requirements; provides that any excess Road Fund debt service shall lapse to the surplus account, unless directed otherwise by this bill; provides that all statutes and portions of statutes in conflict with this bill are suspended, unless otherwise provided; clarify the construction of budget provisions on statutory budget administration power and duties; provides that the Secretary of the Finance and Administration Cabinet shall interpret all questions arising from this bill; provides for the publication of this bill; requires the State Budget Director to monitor and report on the Commonwealth's financial condition; authorizes the Secretary of the Finance and Administration Cabinet to prorate administration costs; provides that no portion of this bill alone be construed to confirm or ratify an executive reorganization order; requires the State Budget Director to provide a budget planning report and tax expenditure revenue loss estimates to each branch; provides that any duplicate appropriations be governed by the duplicate appropriation statute; provides for priority of individual appropriations and severability of budget provisions; provides that all unclaimed lottery prize money be credited to the Kentucky Education Excellence Scholarship Reserve Account; suspend various workers' compensation requirements; provides for undesignated General Fund and Road Fund carry forward; allows for civil war reenactors; direct implementation of the budget; requires semiannual reports on computer information technology projects; requires maximization of energy efficiency measures; provides that all unexpended debt service be transferred to the Budget Reserve Trust Fund Account; designates the Wine and Vine Fest as the official state wine festival; prohibits debt restructuring during the biennium; limits the use of Road Fund moneys in the Executive Branch budget recommendation; designates funds that carry forward; requires \$40,000,000 in expenditure reductions in each

fiscal year; requires a set amount of lottery dividends to be transferred to the General Fund; requires the applicable debt service template rate; provides for the appropriation of moneys from the Budget Reserve Trust Fund; transfers \$3,500,000 in Restricted Funds to the General Fund in the current year; establishes the State Salary/Compensation, Benefit and Employment Policy; specifies funds transfers; establishes the General Fund Budget Reduction Plan and General Fund Surplus Expenditure Plan and the Road Fund Budget Reduction Plan and a Road Fund Surplus Expenditure Plan; outlines Phase I Tobacco Settlement Funds; provides a State/Executive Branch Budget Summary; and establishes the Insurance Coverage, Affordability, and Relief to Small Employers program.

HB 268

AN ACT making appropriations for the operations, maintenance, and support of the Legislative Branch of the Commonwealth of Kentucky.

Appropriates to the Legislative Branch \$50,936,800 for fiscal year 2012-2013 and \$53,919,400 for fiscal year 2013-2014 from the General Fund and Restricted Funds; transfers \$2,629,500 in fiscal year 2011-2012, and \$2,680,700 in fiscal year 2012-2103 to the General Fund; transfers funds equal to the amount of the state payroll rescheduled from June 30, 2012, to July 1, 2012, to the General Fund Surplus Account; maintains the daily compensation and expense allowance for members of the General Assembly at the January 1, 2012, level; suspends operation of the Kentucky Long-Term Policy Research Center; suspends annual increases in retirement benefits for recipients of Legislators' Retirement Plan pensions; establishes a maximum allowable number of employees; allows unexpended funds to carry forward; gives the Director of the Legislative Research Commission expenditure authority; provides for severability of budget provisions; declares that statutes control duplicate appropriations and priority of individual appropriations; provides for transferability of funds and appropriations revisions; provides a stationery allowance to members of the General Assembly; reschedules state payroll dates from June 30 to July 1 of each year; and provides for participation in any Budget Reduction Plan or Surplus Expenditure Plan.

HB 267

AN ACT relating to road projects and declaring an emergency.

Sets forth the fiscal year 2012-2014 Biennial Highway Construction Plan; EMERGENCY.

HB 269

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

Appropriates to the Judicial Branch \$365,167,400 in fiscal year 2012-2013 and \$362,557,900 in fiscal year 2013-2014 from the General Fund, Restricted Funds, and Federal Funds; provides that funds in the Court Operations and Administration appropriation unit carry forward; provides funds for 25 pretrial officers; provides that if the Supreme Court retains the 2008 increase in civil filing fees, the additional income, not to exceed \$5,000,000 in each fiscal year, shall be deposited in a trust and agency account for court operations; requires the continuation of night court in Okolona and Middletown in Jefferson County; provides funds to compensate local units of government for providing court space and for costs incurred in the

development of local court facilities; provides funds for furniture and equipment for authorized projects; provides that funds in the Local Facilities Fund carry forward; provides that the use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington remaining open to traffic; provides that funds in the Local Facilities Use Allowance Contingency Fund carry forward; provides funds for actuarial assessed judicial retirement benefits; suspend annual increases in retirement benefits for recipients of Judicial Retirement System pensions; requires that capital projects be authorized by the General Assembly; requires that capital projects not listed in the budget be submitted to the Capital Projects and Bond Oversight Committee; authorizes capital projects and leases; requires project development boards planning court facilities to study the feasibility of structural additions and renovations; clarifies that nothing in this Act shall reduce funding of court facility projects authorized by the General Assembly; provides that if a court facility project is occupied and use allowance funding is insufficient that use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund or transferred from other Judicial Branch accounts; provides the Director of the Administrative Office of the Courts with expenditure authority; provides for severability of budget provisions; declares that statutes control priority of individual appropriations and duplicate appropriations; provides that any unexpended balance remaining in the Court's Restricted Funds or Federal Funds accounts carry forward; provides for the final budget document; provides for transferability of funds; provides for appropriations revisions; includes funds for trial commissioner salaries as provided for in the Judicial Branch Budget recommendation; requires the purchase of prison-made products; reschedules state payroll dates from June 30 to July 1 of each year; transfers funds equal to the amount of the state payroll rescheduled from June 30, 2012, to July 1, 2012 to the General Fund Surplus Account; and allows participation in any Budget Reduction Plan or Surplus Expenditure Plan.

HB 276

AN ACT relating to reorganization.

Creates a new section of KRS Chapter 131 to create the office of taxpayer ombudsman; repeals, reenacts, and amends KRS 42.0651 to substitute the Division of State Risk and Insurance Services for some duties performed by the Office of Policy and Audit and requires the division to provide insurance for state-owned and operated facilities and vehicles; amends KRS 42.0174 to delete the reference to KRS 42.0651; amends KRS 42.560 to require 50 percent of the energy assistance trust fund interest to be distributed to the Finance and Administration Cabinet for weatherization services to low-income households, and 50 percent to be distributed to the Cabinet for Health and Family Services for energy assistance services for low-income households; amends KRS 42.566 to require appropriated expenditures from the energy assistance trust fund to be distributed 40 percent to the Finance and Administration Cabinet for weatherization services to low-income households, and 60 percent to the Cabinet for Health and Family Services for energy crisis or prevention services for low-income households; amends KRS 42.724 to move the Division of Geographic Information Systems from the Office of Enterprise Technology to the Office of Application Development, to rename the Division of Software Engineering as the Division of Financial Information Technology, and to rename the Division of Consulting and Project Management as the Division of Agency Information Technology; amends KRS 42.740 to rename the Kentucky Geospatial Board as the Geographic Information Advisory Council; amends KRS 131.020 to place the taxpayer ombudsman in the

office of the commissioner of revenue; and amends KRS 42.0201, 42.650, 42.726, 42.742, 42.744, and 116.200 to conform; confirms Executive Order 2011-354.

HB 277

AN ACT relating to local occupational license tax forms.

Creates new sections of KRS 67.750 to 67.790 to require each local tax district in the Commonwealth that imposes occupational license taxes to submit copies of its tax return forms to the Secretary of State for inclusion on the one-stop business portal; requires the Secretary to prescribe a standard form which shall be accepted by all local tax districts, unless a tax district chooses to opt out of this requirement or is granted an exemption by the Secretary; establishes provisions that must be met for a tax district to either opt out of the requirement or be granted an exemption; requires that the Secretary of State provide a written report to the Interim Joint Committee on Local Government to update the members on the form development process; requires the Secretary to send a copy of the proposed form to all members of the Interim Joint Committee on Local Government when it is filed with the Legislative Research Commission; provides that during the regulation review process the proposed form shall be assigned to the Interim Joint Committee on Local Government for consideration; provides that nothing in this Act shall be interpreted as altering or preempting tax collection requirements of a tax district; amends KRS 67.768 to provide that tax districts shall make forms available to business entities; and amends KRS 67.790 to impose a penalty on a local tax district that fails to comply with certain provisions of this Act.

HB 278

AN ACT relating to reorganization.

Amends KRS 12.020 and 12.023 to transfer the Governor's Scholars Program from the Office of the Governor to the Education and Workforce Development Cabinet; amends KRS 158.796 to conform; and confirms Executive Order 2011-355.

HB 281

AN ACT relating to interscholastic athletics and declaring an emergency.

Amends KRS 160.445 to require coaches to complete training on recognizing and treating concussions and head injuries; identifies actions required before an athlete with a suspected concussion or head injury may return to play; and amends KRS 156.070 to conform; EMERGENCY.

HB 282

AN ACT relating to home medical equipment and services providers and making an appropriation therefor.

Creates new sections of KRS Chapter 315 to license home medical equipment and services providers under the Kentucky Board of Pharmacy; defines terms; includes under "providing home medical equipment and services" related equipment and supplies, and mobility-enhancing equipment; mandates that equipment services shall be funded through a third-party payor; prohibits providing home medical equipment and services without a license; exempts persons engaging in a profession for which they are licensed or registered, including health care practitioners; establishes other exemptions for home health agencies, hospitals, manufacturers and wholesale distributors, pharmacies, employees of a licensed entity, hospice programs, skilled

nursing facilities, and government agencies; requires a licensed person to provide home medical equipment and services if medical equipment carries a legend, or requires a medical order from a licensed health care practitioner; sets licensure fees for applicants not to exceed \$200 initially per year nor to increase more than \$25 per year up to a maximum of \$400; requires providers to maintain adequate records of all home medical equipment and services provided and periodically report to the board as established in administrative regulation; sanctions failure to report to the board or willful submission of inaccurate information as grounds for disciplinary action under KRS 315.121; directs the board to establish qualifications for applicants for licensure through promulgation of an administrative regulation; prohibits disclosure under KRS 61.878 of information provided by an applicant to any person or entity other than the board; instructs that a separate license shall be required for each location of a home medical equipment and services provider; obligates a provider to display its license at its place of business; prescribes a renewal fee not to exceed \$200 initially per year nor to increase more than \$25 per year up to a maximum of \$400; directs that a license is issued only for the premises and persons named in an application and shall not be transferrable; authorizes the board to grant reciprocity to an out-of-state provider physically located in one of the bordering states; sets penalty for providing home medical equipment and services without a license as a Class A misdemeanor with each day of violation as a separate offense; amends KRS 304.17A-005 to include home medical equipment and services provider under the definition for “health care provider” or “provider”; amends KRS 315.121 to conform and designate what unprofessional and unethical conduct includes for a provider; amends KRS 315.191 to authorize the board to oversee and administer the licensure of home medical equipment and services providers and to include on the advisory council individuals representative of the profession of providing home medical equipment and services; amends KRS 315.195 to authorize the board to collect and deposit all fees, charges, and fines, and other moneys owed into the State Treasury to the credit of the trust and agency fund used to carry out and be appropriated for these purposes; directs that moneys remaining in the fund shall not lapse; amends KRS 315.005, 315.125, and 315.220 to conform; designates legislative purpose; and names new sections of KRS Chapter 315 the “Home Medical Equipment and Services Provider Licensure Act”; APPROPRIATION.

HB 287

AN ACT reclassifying the City of Hurstbourne Acres.

Reclassifies the City of Hurstbourne Acres in Jefferson County from a city of the fifth class to a city of the fourth class.

HB 293

AN ACT relating to elections and declaring an emergency.

Amends KRS 117.265 to require a declaration of intent to be a write-in candidate to be filed at least 28 days before the day of an election for a special election for a vacancy in either house of the General Assembly administered under KRS 118.730; amends KRS 118.730 to provide that if a writ of election has been issued to fill a vacancy in either house of the General Assembly and only one candidate has qualified for the vacancy, the county clerks in the territory in which the election is to be held shall conduct voting in the county clerk’s office or other place or places designated by the county board of elections and approved by the State Board of Elections; exempts this section from applying when the writ of election calls for the special election to be held on the day of a primary or general election or the same day as any other

special election, except for an uncontested special election to fill a vacancy in either house of the General Assembly; amends KRS 118.740 to require that the sheriff of each county in which a special election is to be held shall give notice at least 28 days before the day of the election; requires that, for a special election to fill a vacancy in either house of the General Assembly administered under KRS 118.730 for which only one candidate qualifies for the vacancy, the notice shall include the location of the election; amends KRS 118.770 to provide that when a writ of election or proclamation is issued to fill a vacancy as prescribed under KRS 118.710, 118.720, or 118.730, independent, political organization, or political group petitions and certificates of nomination shall be filed at least 28 days before the day of the election; and cite as the Dewayne Bunch Act; EMERGENCY.

HB 294

AN ACT relating to the Cabinet for Health and Family Services.

Amends various sections of the Kentucky Revised Statutes, relating to the Cabinet for Health and Family Services, creating the Office of Policy and Budget; renames the Office of Legislative and Public Affairs the Office of Communications and Administrative Review; creates the Office of Administrative and Technology Services; abolishes the Office of Fiscal Services and move its responsibilities to the newly created Office of Administrative and Technology Services; abolishes the Office of Technology and moves its responsibilities to the newly created Office of Administrative and Technology Services; creates the Department for Income Support; abolishes the Department for Disability Determination Services and moves its responsibilities to the newly created Department for Income Support; renames the Department for Mental Health and Mental Retardation Services the Department for Behavioral Health, Developmental and Intellectual Disabilities; renames the Department for Human Support Services the Department for Family Resource Centers and Volunteer Services; abolishes the Office of Contract Oversight and moves its responsibilities to the newly created Office of Policy and Budget; abolishes the Governor's Office of Wellness and Physical Activity and moves its responsibilities to the Department for Public Health; changes the title of the Division of Child Support to the Department for Income Support; reassigns certain functions of the Department for Mental Health and Mental Retardation Services to the Department for Aging and Independent Living; establishes the Governor's Office of Electronic Health Information; establishes the responsibilities of the Office of the Ombudsman and the Office of Electronic Health Information under the Office of the Secretary; changes the title of the Division of Women's Physical and Mental Health to the Division of Women's Health; establishes the responsibilities of the Office of Policy and Budget and the Department for Income Support; abolishes the Division of Child Abuse and Domestic Violence Services and moves its responsibilities to the Division of Protection and Permanency within the Department for Community Based Services; changes the title of chief information officer within the Office of Administrative and Technology Services to executive director and changes the overall function of the office; changes the title of the Division of Adult and Child Health Improvement to the Division of Maternal and Child Health; changes the title of the Division of Health Care Facilities and Services in the Office of the Inspector General to the Division of Health Care; changes the title of the Division of Mental Health and Substance Abuse Services to the Division of Behavioral Health; changes the name of the HIV and AIDS Advisory Council to the HIV and AIDS Planning and Advisory Council; changes the name of the Kentucky Council on Developmental Disabilities to the Commonwealth Council on Developmental Disabilities; permits the cabinet to transfer or designate as surplus real property

that it owns for child-care centers and senior citizens centers; adds two members to the State Interagency Council for Services to Children with an Emotional Disability; requires the members of the Pharmacy and Therapeutics Advisory Committee to serve until a successor is appointed and requires the recommendations of the committee to be handled by the Medicaid commissioner; abolishes the Technical Advisory Committee on Drugs; establishes new child support requirements; adds two new members appointed by the Governor to the Statewide Trauma Care Program Advisory Committee; transfers the functions, duties, and responsibilities of the weatherization program funded by the United States Department of Energy from the Department for Community Based Services, Cabinet for Health and Family Services, to the Finance and Administration Cabinet; amends KRS 194A.146 to require the co-chairs of the Interim Joint Committee on Health and Welfare and one private child-placing provider to serve on the Statewide Strategic Planning Committee for Children in Placement; requires the plan developed by the committee to be completed and submitted by July 1, 2013; requires that an evaluation study be conducted by the committee; establishes the secretary as the appointing authority; creates a new section of KRS Chapter 205 to define the IMPACT Plus Program; requires the cabinet to provide an IMPACT Plus provider with a copy of the criteria to be used in an audit, evaluation, or review before it takes place; requires the findings to be sent to the provider within 60 days; amends KRS 216A.010 to add and redefine terms; amends KRS 216A.020, 216.030, and 216A.040 to change “nursing home” to “long-term care”; amends KRS 216A.050, 216A.060, 216A.070, 216A.080, 216A.090, 216A.130, 216A.150, and 216A.990 to permit the board to establish an exception to the general requirement that a long-term care facility operate under the supervision of a long-term care administrator; changes the maximum per diem compensation to \$120; deletes a private admonishment as a disciplinary measure; amends KRS 216A.990 to state that a misdemeanor is punishable by a fine of not more than \$100 per day; amends sections of KRS Chapter 335 to exempt from licensure employees of tax-exempt organizations; prohibits a person from engaging in the practice of clinical social work without a license; removes the board attachment to Occupations and Professions for administrative purposes; reduces from 60 to 45 days the time frame in which the board is required to evaluate applications and issue licenses to qualified applicants; requires the board to approve an applicant to sit for the national examination as part of the application process; expands the scope of organizations that the board is required to authorize to provide continuing education; repeals KRS 194.210, 194A.085, 194A.092, 216A.100, and 216A.120; and confirms Executive Order 2011-353 to the extent not otherwise confirmed or superseded by this Act.

HB 295

AN ACT relating to insurance.

Amends KRS 304.3-180 to establish a new expiration date for a certificate of authority and to require payment of a fine for reinstatement of an expired certificate of authority; amends KRS 304.9-105 to delete the requirement that agents file proof of financial responsibility with the Department of Insurance; amends KRS 304.9-320, relating to licensure as a consultant, to delete the substitution of other special experience, education or training for the 5-year experience requirement as a licensed agent; deletes the bond filing requirement for consultants; amends 304.9-330 to delete the requirement that consultants file proof of financial responsibility with the commissioner of insurance; amends KRS 355.9-430 to delete the requirement that adjusters file proof of financial responsibility with the department; amends KRS 304.10-030 to define “admitted insurer,” “affiliate,” “exempt commercial purchaser,” “home state,” “nonadmitted

insurance” and “nonadmitted insurer”; amends KRS 304.10-340 to clarify that a diligent search shall be performed by a licensed agent with a property and casualty line of authority and to clarify that a diligent search is not required for an exempt commercial purchaser; amends KRS 304.10-070 to clarify the requirements for surplus lines insurers including minimum capital and surplus requirements, and a listing on the quarterly National Association of Insurance Commissioners alien insurer listing if the insurer is a nonadmitted insurer domiciled outside the United States; amends KRS 304.10-120 to clarify that an agent license with a property and casualty line of authority is not required for licensure as a surplus lines broker; amends KRS 304.15-700 to delete the requirement that life settlement brokers file proof of financial responsibility with the department; creates a new section of Subtitle 37 of KRS Chapter 304 to authorize the commissioner to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations; amends KRS 304.37-010 to define “enterprise risk” and “supervisory college”; amends KRS 304.37-020, 304.37-030, 304.37-040, 304.37-120, and 304.37-565 to adopt the updates to the National Association of Insurance Commissioners Holding Company Act, primarily relating to recognition of enterprise risk; amends KRS 304.49-150 to establish the insurance code subtitles to which an industrial insured captive insurer is subject; amends KRS 304.49-070 to provide that all captive insurers, except those formed as a risk retention group, are not required to file an actuarial opinion summary if a certification of loss and loss expense reserves and opinion of reserve adequacy is filed with the department; creates a new section of Subtitle 99 of KRS Chapter 304 to establish a fine of \$100 for reinstatement of an expired certificate of authority; amends KRS 304.99-085 to establish a penalty of \$100 for a broker who fails to file an affidavit as provided by KRS 304.10-050; establishes a penalty of \$1,000 to \$5,000 for a broker who exhibits a pattern of failing to file affidavits as provided by KRS 304.10-050; establishes a penalty of \$500 for a broker who fails to file a quarterly statement as required by KRS 304.10-170; and amends KRS 304.99-152 to allow the commissioner to disapprove a dividend or distribution or place an insurer under supervision in accordance with Subtitle 33 of KRS Chapter 304; effective, in part, July 15, 2014.

HB 300

AN ACT relating to retirement and declaring an emergency.

Amends KRS 11A.010 to require the Kentucky Teachers’ Retirement System board of trustees to be subject to the executive branch code of ethics; amends KRS 11A.201 to require placement agents involved with Kentucky Retirement Systems and Kentucky Teachers’ Retirement System investments to register as lobbyists and to define placement agents and unregulated placement agents; amends KRS 11A.236 to exempt placement agents from the contingent fee prohibition in the Executive Branch Code of Ethics as long as the placement agent is not prohibited by federal securities laws from receiving compensation from a government agency; amends KRS 21.440 to require the audit of the Judicial Form Retirement System be performed by the Auditor of Public Accounts at least once every 5 years and to require the systems to pay all costs of the audit; amends KRS 21.450 to require the Judicial Form Retirement System board to establish ethics policies and procedures, including annual financial and conflict of interest disclosures for members, and to make this information available to the public; amends KRS 21.530 to prohibit members of the Judicial Form Retirement System from serving more than three consecutive terms of office on the board and to prohibit the board chairman from serving more than four consecutive years as chairman; amends KRS 21.540 to

prohibit assets of the Judicial Form Retirement System from being used to pay unregulated placement agents, to require the Judicial Form Retirement System to make system expenditures and employee salaries available on a website, and to establish conflict of interest provisions applicable to trustees and employees of the Kentucky Judicial Form Retirement System; amends KRS 61.645 to apply the term limits applicable to elected trustees of the Kentucky Retirement Systems board to appointed trustees and to provide that terms served prior to July 1, 2012, shall be used to determine if a trustee has exceeded the term limits prescribed in this section, to limit requirements for a member's social security number to the last four digits for board nominations made by membership petition, to require members desiring to be elected to the board to submit an application and a resume and to complete a background check, to prohibit the chair and vice chair of the Kentucky Retirement Systems board from serving more than four consecutive years as chair or vice chair, to require the Kentucky Retirement Systems audit shall be completed by the Auditor of Public Accounts at least once every 5 years and to require the systems to pay all costs of the audit, to require the Kentucky Retirement Systems to make system expenditures and employee salaries available on a website, and to prohibit assets of the Kentucky Retirement Systems from being used to pay unregulated placement agents; amends KRS 61.655 to include employees of the Kentucky Retirement Systems in conflict of interest provisions regarding their service to the systems and to include additional restrictions to the conflict of interest provisions applicable to employees and trustees of the board; amends KRS 161.250 to provide that terms served prior to July 1, 2012, shall be used to determine if an elective trustee of the Kentucky Teachers' Retirement System has exceeded term limits established under the section and to require the system to make system expenditures and employee salaries available on a website; amends KRS 161.340 to prohibit the chair and vice chair of the Kentucky Teachers' Retirement System board from serving more than four consecutive years as chair and vice chair; amends KRS 161.370 to require that the Kentucky Teachers' Retirement System audit be completed by the Auditor of Public Accounts at least once every 5 years and to require the system to pay all costs of the audit; amends KRS 161.430 to prohibit assets of the Kentucky Teachers' Retirement System from being used to pay unregulated placement agents; amends KRS 161.460 to include additional restrictions to the conflict of interest provisions applicable to employees and trustees of the Kentucky Teachers' Retirement System; allows trustees of the Kentucky Retirement Systems, Kentucky Teachers' Retirement System, and the Judicial Form Retirement System who are currently serving more than three 4-year terms on the effective date of this Act to complete their remaining term of office; applies years served as chair or vice chair of a board prior to the effective date of this Act towards determining whether a board chair or vice chair has exceeded term limits for the office; sets July 1, 2011, as the beginning date for the 5-year period in which the Auditor of Public Accounts must audit the systems; and applies the ban on unregulated placement agents to contracts established or renewed on or after July 1, 2012; EMERGENCY.

HB 302

AN ACT relating to redistricting and declaring an emergency.

Amends various sections of KRS Chapter 118B to divide the Commonwealth into the following congressional districts: DISTRICT 1 - Adair, Allen, Ballard, Caldwell, Calloway, Carlisle, Casey, Christian, Clinton, Crittenden, Cumberland, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Metcalfe, Monroe, Muhlenberg, Ohio, Russell, Simpson, Taylor, Todd, Trigg, Union, Washington (part), Webster; DISTRICT 2 - Barren, Boyle, Breckinridge, Bullitt, Butler, Daviess, Edmonson,

Garrard, Grayson, Green, Hancock, Hardin, Hart, Jessamine (part), LaRue, Meade, Mercer, Nelson, Spencer (part), Warren, Washington (part); DISTRICT 3 - Jefferson County (part); DISTRICT 4 - Boone, Boyd (part), Bracken, Campbell, Carroll, Gallatin, Grant, Greenup, Harrison (part), Henry, Jefferson County (part), Kenton, Lewis, Mason, Oldham, Owen, Pendleton, Shelby, Spencer (part), Trimble; DISTRICT 5 - Bell, Boyd (part), Breathitt, Carter, Clay, Elliott, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Magoffin, Martin, McCreary, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Wayne, Whitley; DISTRICT 6 - Anderson, Bath, Bourbon, Clark, Estill, Fayette, Fleming, Franklin, Harrison (part), Jessamine (part), Madison, Menifee, Montgomery, Nicholas, Powell, Robertson, Scott, Wolfe, Woodford; PLAN INTEGRITY VERIFIED; amends KRS 118B.010 to conform dates; specifies that precinct names may be shortened to accommodate formatting requirements of the bill drafting system and that the precinct names be provided in full in codification; specifies how county and precinct names are to be displayed depending on whether the territory of the county or precinct is included in a particular legislative district in its entirety or in part and directs how those items will be displayed in codification; directs county boards of elections to change precinct boundaries to conform to district boundaries; and extends the filing deadline for congressional candidates and gives the Secretary of State authority to determine other relevant elections dates; EMERGENCY.

HB 308

AN ACT relating to regulation of for-profit postsecondary educational institutions.

Repeals and reenacts KRS 165A.340 to abolish the Kentucky Board for Proprietary Education and create the Kentucky Commission on Proprietary Education; establishes commission membership, including reducing from six to four the number of school representatives, and increasing to four the number of public at large members; prescribes the commission's duties; defines "formal complaint"; requires the commission to hire an executive director with a background in commerce, business, or education; designates responsibilities of the executive director; requires the commission to promulgate administrative regulations, including commission operations and accountability procedures, the method for calculating placement rates, a schedule for reviewing advertisements and recruitment materials of membership institutions, and an equitable scaled structure of licensure and renewal fees based on the gross revenue and student population of licensed institutions; permits the commission to promulgate administrative regulations in cooperation with the Kentucky Department of Education and the Council on Postsecondary Education; rescinds the mandate that proprietary schools use federal guidelines on placement and graduation rates when supplying required information to an applicant for enrollment; amends KRS 165A.450 to mandate contributions to the student protection fund; instructs the commission to promulgate administrative regulations to set minimum fund balance at \$500,000, levy a scaled structure of fees on each school when fund drops below minimum balance, and make students aware of fund and process for filing claims; clarifies that the student protection fund shall be used solely to reimburse eligible Kentucky students; limits to one academic year or less the time frame that constitutes a leave of absence from a school at the time of its closing to qualify for a payout from the student protection fund; directs the commission to consider complaints in a timely manner; requires the commission to provide an annual status report to both the Interim Joint Committee on Education and the Interim Joint Committee on Licensing & Occupations; amends various sections of the Kentucky Revised

Statutes to conform; and provides for the transition from the board to the commission and the transfer of all records, funds, and materials.

HB 309

AN ACT relating to banking.

Amends KRS 286.3-280 to establish requirements for determining the indebtedness of a person to a bank to include partnership liabilities; includes the extent of a person's credit exposure to a bank through a variety of transactions; defines "derivative transaction" for the purpose of assessing credit exposure; and deletes the current requirements for computing indebtedness of a person.

HB 311

AN ACT relating to activities regulated by the Kentucky Board of Hairdressers and Cosmetologists.

Amends KRS 317A.010 to clarify the definitions of "cosmetology" and "threading," and makes conforming changes; amends KRS 317A.020 to include permit or certificate holders; amends KRS 317A.030 to remove outdated language; amends KRS 317A.040 to allow the board to electronically distribute administrative regulations; amends KRS 317A.050 to require high school diploma or equivalent; makes license fee consistent with other statutes; provides for out-of-state verification; deletes provisions for continuing education; establishes fees and requirements for threading and threading facility licenses; provides permit to practice outside a licensed facility; amends KRS 317A.060 to delete provision for board to establish the number of licenses for schools; amends KRS 317A.062 to add fee for change of manager of a school of cosmetology and deletes inactive licensure and continuing education provider license; amends KRS 317A.070 to require licensees to request a hearing within 30 days of notice; amends KRS 317A.090 to stipulate that teacher-student ratio applies only to students present for instruction; amends KRS 317A.100 to provide licensure requirements for persons from other states; amends KRS 317A.120 to allow exams to be given more frequently than every 30 days; amends KRS 317A.130 to remove restriction against practicing while having an infectious or communicable disease; amends KRS 317A.140 to include fines in penalties board may assess and to delete provision to pay fine in lieu of suspension; amends KRS 317A.145 to delete specific complaint recording requirements; amends KRS 317A.155 to permit apprentices to work for funeral establishments; amends KRS 317A.990 to conform; amends KRS 317B.010 to expand options for removing facial hair; amends KRS 317B.015 to conform; amends KRS 317B.020 to conform; amends KRS 317B.025 to delete continuing education requirement; amends KRS 317B.030 to delete continuing education requirements; amends KRS 317B.035 to conform; amends KRS 317B.045 to delete provisions for written admonishments; amends KRS 317B.050 to delete specific complaint recording requirements; amends KRS 317B.055 to delete written admonishment provision; and repeals KRS 317A.110 which requires the Office of Occupations and Professions to give advice and assistance to the board.

HB 324

AN ACT relating to payments for firefighters permanently and totally disabled in the line of duty and making an appropriation.

Amends KRS 95A.070 to increase monthly payments to firefighters permanently and totally disabled in the line of duty from \$2 to \$300 each for the costs of life and health insurance.

HB 328

AN ACT relating to the operation of a motorcycle.

Amends KRS 186.450 to allow a person who has received an intermediate operator's license to apply for a motorcycle instruction permit; makes a motorcycle instruction permit good for 1 year, with the ability to renew the permit one time; and allows a person whose motorcycle instruction permit has expired to apply for a motorcycle operator's license if the person can present proof of successful completion of a motorcycle safety education course in accordance with KRS 15A.352(5).

HB 338

AN ACT relating to delaying the effective date of insurance premium surcharge increases.

Amends KRS 136.392 to provide that the insurance premium surcharge rate calculated by the commissioner of revenue and related to the commissioner of insurance for the purpose of informing the affected insurers shall take effect no earlier than 6 months from the date that the commissioner of insurance notifies the affected insurers; deletes the requirement that the commissioner of revenue calculate the appropriate rate no later than January 1 of each year; and deletes the requirement that the adjustment process shall continue on a biennial basis.

HB 341

AN ACT relating to business organizations.

Creates KRS Chapter 386A and establishes within it the Kentucky Uniform Statutory Trust Act to codify provisions for the use of the business trust as an allowable form of business organization in the Commonwealth, with various sections addressing definitions, general provisions, formation, certificates of trust and other filings, legal process, governing law, authority, duration, powers, series trusts, trustees and trust management, beneficiaries and beneficial rights, conversion and merger, dissolution and winding up, foreign statutory trusts, and other transitional and miscellaneous provisions; amends various other business entity statutes to enable an LLC to convert directly into an LLP; requires a foreign business entity to be qualified to do business in Kentucky before receiving a state contract; provides express statutory direction that any director, officer, manager, etc., of a Kentucky business entity is subject to the jurisdiction of Kentucky courts; provides express statutory direction that a business may properly enter into agreements to settle creditor claims in the course of its dissolution; prevents the inadvertent loss of limited liability after the dissolution of partnership having limited liability attributes; provides that a corporation or LLC's sole shareholder or member status is insufficient standing alone to pierce the veil of the entity; provides uniformity for judicial dissolution procedures across various forms of business entities; codifies the common law rule that "fairness" is not a defense to expropriating a partnership or LLC asset; and amends various other sections to conform.

HB 344

AN ACT relating to swine.

Creates a new section of KRS Chapter 150 to prohibit the release of all hogs or pigs from the family Suidae into the wild; prohibit the importation, possession, or transportation of any wild or feral pig or boar in Kentucky; allows exception for the accidental escape of animals of the porcine species raised as livestock; and amends KRS 150.990 to establish penalty as a Class

A misdemeanor and to prohibit licensure for hunting, fishing, trapping, or being a commercial guide for a period of 10 years

HB 347

AN ACT relating to defective new motor vehicles.

Amends KRS 367.842, regarding time limits to repair new defective motor vehicles, to provide reasonable extensions in cases where parts or supplies are unavailable due to civil unrest or natural disaster.

HB 348

AN ACT relating to reorganization.

Confirms Auditor of Public Accounts Executive Order APA #11-01, relating to reorganization, filed with the Secretary of State on April 21, 2011; creates the Office of Financial Audits; abolishes the Division of Financial Audit and transfers its duties to the Office of Financial Audits; creates the Office of Legal and Records Services; abolishes the Office of Quality Assurance and Consultation and transfers its duties to the Office of Financial Audits; creates the Office of the Technology and Special Audits; abolishes the Division of Performance Audit and transfers its duties to the Office of Technology and Special Audits; and abolishes the Division of Examination and Information Technology and transfers its duties to the Office of Technology and Special Audits.

HB 349

AN ACT relating to pharmacy audits.

Amends KRS 304.17A-741 to prohibit an auditing entity from requiring a pharmacy to keep records longer than 2 years or longer than required by state or federal law or regulation; prohibits an auditing entity from receiving payment based on the total amount recovered in an audit; allows a pharmacy to be subject to recoupment of funds by an auditing entity if the wrong medication was dispensed to a patient, if the auditing entity can provide proof of intent to commit fraud, or if an error results in an actual overpayment to the pharmacy; permits a pharmacy to submit an amended claim within 30 days of the discovery of an error in lieu of recoupment; limits the recoupment to the amount of the correct medication; directs clean claims to be paid in accordance with 304.17A-702; creates a new section of KRS Chapter 205 to subject Medicaid managed care organizations to pharmacy audits conducted by the Department of Insurance; and amends KRS 304.17A-745 to conform.

HB 351

AN ACT relating to state property.

Amends KRS 56.100, 56.120, and 56.160 to increase the self-insured retention amounts of the state fire and tornado insurance fund from \$500,000 to \$1 million; and amends KRS 56.180 to raise the threshold amount when moneys will be transferred to the general fund from \$5 million to \$10 million.

HB 353

AN ACT relating to horse racing and making an appropriation therefor.

Amends KRS 230.210 to extend the definition of "horse race meeting" to Appaloosa and Arabian horse racing and to define the "Kentucky Quarter Horse, Appaloosa, and Arabian purse

fund”; amends KRS 230.3771 to specify funding for the Kentucky Quarter Horse, Appaloosa, and Arabian purse fund; and creates a new section of KRS Chapter 230 to create the Kentucky Quarter Horse, Appaloosa, and Arabian purse fund, establish oversight for the fund, and appropriate money from the fund.

HB 358

AN ACT relating to mechanical systems.

Amends KRS 236.010 to define “portable boiler,” “order or emergency order,” “chief boiler inspector,” “boiler inspector,” “special boiler inspector,” “domestic water,” “potable water,” “cryogenic service,” “oil refinery,” “qualified welding procedure,” “boiler external piping,” “non-boiler external piping,” “MAWP,” “owner facility,” “owner’s piping inspector,” “independent inspection agency,” and “owner-user facility”; amends KRS 236.020 to remove outdated language; amends KRS 236.030 to require the department to get input from the board on administrative regulations proposed by the department relating to KRS Chapter 236; amends KRS 236.040 to specify design rules for new piping and to specify requirements for pressure vessels for human occupancy; amends KRS 236.050 to specify the calculation of maximum allowable working pressure of a boiler or pressure vessel without an ASME symbol; amends KRS 236.060 to stipulate that this chapter applies to all boilers, pressure vessels, and related piping unless statutorily exempted, specifies exemptions, specifies piping to which the chapter shall apply, and assigns oversight and responsibility of piping exempted to the owner of the piping; amends KRS 236.070 to delete pressure vessels; amends KRS 236.080 to delete provisions of free access to inspectors; creates a new section of KRS Chapter 236 to require the department to issue owner-user inspector commissions to inspectors commissioned by a company and specifies requirements and restrictions; creates a new section of KRS Chapter 236 to allow owner facilities subject to inspection by the department to apply for a license to allow the facility to conduct its own site piping inspections and provides requirements and restrictions, specifies an initial license fee of \$1,000 and renewal fee of \$500, requires the department to issue or deny a license within 45 days, requires piping inspectors to be licensed, and imposes a licensing fee of \$100 and renewal fee of \$50; establishes licensure for independent inspection agencies with an initial licensing fee of \$1,000 and renewal fees of \$500; amends KRS 236.100 to include owner-user inspectors or owner piping inspectors; amends KRS 236.110 to conform and exempts pressure vessels and associated piping completed and approved before July 15, 1980, unless adjudged patently unsafe, and provides an inspection interval of 18 months for boilers or pressure vessels used by a utility to generate power; amends KRS 236.120 to include pressure vessels, and requires boiler inspection certificates to be posted while allowing pressure vessel inspection certificates to be kept on file; amends KRS 236.150 to delete pressure vessels; amends KRS 236.210 to include pressure vessels; amends KRS 236.240 to require all repairs affecting the strength of a boiler or pressure vessel to first secure a permit and include pressure vessels in inspections included in permit fees; amends KRS 236.250 to require all repairs affecting the strength of a boiler or pressure vessel first to secure a permit and requires qualified welders, requires payment of permit to repair fees to be paid by operating companies performing repairs, and allows 30 days to file a permit in case of emergency; amends KRS 236.260 to include boiler inspectors and special boiler inspectors and includes operating boilers; and amends KRS Chapter 236.990 to conform.

HB 362

AN ACT relating to the creation of the Asset Resolution Corporation.

Creates a new section of KRS Chapter 164A to establish the Asset Resolution Corporation; directs the board of directors of the Kentucky Higher Education Student Loan Corporation to serve as the corporation's board and attaches the corporation to the Kentucky Higher Education Student Loan Corporation for administrative purposes; prescribes the powers and authority of the board of directors; and amends KRS 164A.050 to conform.

HB 366

AN ACT relating to school employees.

Amends KRS 160.380 to allow a superintendent's spouse, who has at least 8 years of service in school systems and who has been an employee of the school district for at least 36 months prior to the superintendent assuming office, to be an employee in the district in which the superintendent is employed; and amends KRS 160.345 to provide that an applicant who is the spouse of the superintendent and meets the 8-year service requirement, is allowed to be employed only upon the recommendation of the principal and approval by majority vote of the school council.

HB 369

AN ACT relating to the Kentucky Law Enforcement Foundation Program Fund.

Amends KRS 15.460 and 15.470 to require that police officers receiving the KLEFP fund salary supplement continue to receive the supplement when called to active duty with the United States Armed Forces.

HB 371

AN ACT relating to motor vehicle registration.

Establishes a new effective date for 2011 Ky. Acts ch. 5, relating to procedures for transferring motor vehicles, by repealing Section 7 of the Act, which contained the original effective date, and by making the rest of the Act effective January 1, 2014.

HB 378

AN ACT relating to the Department of Public Advocacy.

Amends KRS 15A.020 to create the Division of Conflict Services within the Department of Public Advocacy; amends KRS 31.020 to authorize the position of general counsel and establish duties, and designate the public advocate as an appointing authority; amends KRS 31.030 to require the public advocate to determine necessary personnel within the Department of Public Advocacy, subject to available funding; amends KRS 31.060 to exclude family divisions of a Circuit Court from the calculation that determines whether a county is responsible for providing public advocacy services; and amends KRS 45A.690 to exclude department agreements employing attorneys to represent indigent clients in conflict cases from the definition of a "personal service contract."

HB 379

AN ACT relating to the military family assistance trust fund.

Amends KRS 36.472 to increase the number of military family assistance trust fund board members from six to seven; requires the appointment of a member of the Kentucky National Guard to the board; and staggers terms for appointed board members.

HB 383

AN ACT relating to claims against the Commonwealth, making an appropriation therefor, and declaring an emergency.

Appropriates funds for the payment of claims against the Commonwealth; and amends KRS 41.370 to remove the check reissuance fee for stale treasury checks; APPROPRIATION; EMERGENCY.

HB 385

AN ACT relating to coal mine safety.

Amends KRS 351.010, relating to mine safety, to add definitions for “probation” and “final order of the commission”; amends KRS 351.120 to establish notification requirements for failure of an alcohol or drug test that is required for mining certification or licensing; establishes notice requirements for the right to appeal a certification or licensing suspension; allows for deferral from certification or licensing revocation for medical treatment; establishes consequences for failure to appeal or complete the deferral program; amends KRS 351.122 to require the commissioner of the Department for Natural Resources to impose analogous sanctions against the Kentucky licenses or certifications of a miner who has violated corresponding drug and alcohol testing requirements of states with reciprocal requirements in Kentucky; amends KRS 351.182 to replace methaqualone with buprenorphine in the panel urine test required to establish drug-free status; allows the Mine Safety Review Commission to set additional panels for the urine test by order; amends KRS 351.183 to conform; amends KRS 351.184 to conform; establishes the rights of appeal or deferral for certification denial for failure of a drug or alcohol test; establishes consequences for failure to appeal or successfully complete deferral; and amends KRS 351.990 to establish penalties for first, second, and third offenses for failure of a drug or alcohol test required for a mining certification or license.

HB 388

AN ACT relating to continuing care retirement communities.

Amends KRS 216B.332 to permit a continuing care retirement community to provide home health services to on-campus residents; amends KRS 216B.020 to exempt continuing care retirement communities from a certificate of need if providing home health services to on-campus residents; and repeals KRS 216B.335.

HB 390

AN ACT relating to metal.

Creates new sections of KRS Chapter 433 to establish definitions; establishes a registration system for secondary metal recyclers to be administered by the Office of Occupations and Professions Public Protection Cabinet; requires a background check for each secondary metal recycler by the Kentucky State Police; limits payment for restricted metal items to check-only; requires secondary metal recyclers to keep records of restricted metal item

purchases; requires secondary metals recyclers to be able to receive notices about restricted metal thefts from law enforcement; recommends creation of a Recyclable Metals Theft Prevention Working Group to begin meeting no later than August 15, 2012; creates a new section of KRS Chapter 512 to establish the crime of unlawful acts relating to acquiring metals; institutes penalties up to a Class D felony depending on value of damage to property; and amends KRS 15.232 and 65.871 to conform.

HB 392

AN ACT relating to limited lines insurance.

Amends KRS 304.9-020 to define “portable electronics,” “portable electronics insurance,” “portable electronics insurance supervising entity,” and “portable electronics retailer,” and to redefine “limited lines insurance” and “travel insurance”; creates a new section of Subtitle 9 of KRS Chapter 304 to define “limited lines travel insurance producer,” “travel retailer,” and “offering and disseminating”; establishes the requirements for a travel retailer and its employees to offer and disseminate travel insurance on behalf of and under the control of a limited lines travel insurance producer without obtaining an agent license; amends KRS 304.9-080 to prohibit a travel retailer or its employees or representatives from offering and disseminating travel insurance and prohibiting an insurer from accepting travel insurance for which a limited lines travel insurance producer does not hold a license; creates a new section of Subtitle 9 of KRS Chapter 304 to establish requirements for and to authorize a portable electronics retailer license to allow a portable electronics retailer or its employees and authorized representatives to offer and disseminate portable electronic insurance by the licensee at each retail location where the retailer does business in the state; establishes the necessary minimum requirements for a portable electronics insurance retailer license written application form to be prescribed by the commissioner; establishes requirements for maintaining a register of each business location; requires supervision by a portable electronics insurance supervising entity; establishes certain civil penalties to be imposed by the Commissioner of Insurance; creates a new section of Subtitle 9 of KRS Chapter 304 to require that brochures or other written materials relating to portable electronics insurance be made available to a prospective customer at every location and to establish the requirements for the information to be included in the brochures or other written materials for dissemination to customers relating to portable electronics including disclosure that the coverage may duplicate the customer’s other insurance, that enrollment is not required to purchase or lease the devices or services, receive a summary of the material terms of the insurance coverage as specified, receive a summary of the process for filing claim, provide that a customer may cancel the coverage at any time and receive a refund of any applicable unearned premium; requires the policy to establish eligibility and underwriting standards for customers to enroll; permits charges for the insurance coverage to be billed and collected by the retailer and to be separately itemized on the customer’s bill; authorizes the retailer to maintain the insurance funds in a segregated account in a fiduciary capacity and to remit the amounts retained to the portable electronics insurance supervising entity within 60 days of receipt; authorizes the portable electronics retailer to receive compensation for billing and collection services; and requires that terms for termination or modification of a policy of portable electronics insurance be governed by the terms of the policy.

HB 396

AN ACT relating to secured property.

Creates a new section of KRS Chapter 426 to create an expedited sale mechanism for foreclosures involving vacant and abandoned real property; and amends KRS 517.060, relating to the offense of defrauding a secured creditor, to include situations where collateral is intentionally damaged and to increase the penalties for the offense.

HB 398

AN ACT relating to property valuation.

Creates a new section of KRS Chapter 132 to declare that property valuation administrators may use a variety of identified valuation methods to determine fair cash value, and that appraisals for tract and subdivision developments shall meet the minimum standards for appraisal established by the Kentucky Department of Revenue or the International Association of Assessing Officers.

HB 399

AN ACT relating to utility interest rates.

Amends KRS 278.460 to require the Public Service Commission to determine the interest rates on deposits paid by utilities, including electric cooperatives organized under KRS Chapter 279, on an annual basis; requires that interest rates on deposits are calculated by averaging the 1-year constant maturity treasury rate from September, October, and November of each preceding year; and requires the commission to notify utilities of the following year's rate each December.

HB 400

AN ACT relating to economic development.

Amends KRS 154.25-010 to expand eligibility for jobs retention projects; amends KRS 154.25-030 to make technical corrections; and amends KRS 154.25-050 to allow for additional supplemental projects.

HB 402

AN ACT relating to interagency cooperation.

Amends KRS 11A.080 to allow the Executive Branch Ethics Commission to share evidence with the Personnel Board or the Auditor of Public Accounts that may be used by those agencies for investigative purposes; amends KRS 61.102 to include the Executive Branch Ethics Commission as an agency to which an employee may report actual or suspected violations of any law or any information related to actual or suspected mismanagement, waste, fraud, abuse of authority, or danger to public health or safety; and permits an employee to leave his or her assigned work area if requested by the Executive Branch Ethics Commission to appear before the commission.

HB 409

AN ACT relating to real estate professionals.

Amends KRS 381.280, relating to property forfeitures in the case of unlawful deaths, to remove the requirement that real estate professionals provide advice to the clients on the statute's provisions and deletes the requirement relating to the mandatory rendering of professional advice in affected transactions; and amends KRS 286.8-020 to provide an exemption to most laws and

regulations applicable to mortgage loan companies and brokers for persons providing four or fewer mortgage loans per calendar year.

HB 411

AN ACT relating to coal truck drivers.

Amends KRS 2.237 to designate the Monday of the fourth week of August each year as Coal Truck Driver Appreciation Day.

HB 417

AN ACT relating to motor vehicle liens.

Amends KRS 190.090 to redefine "retail installment sale" to exempt agricultural vehicles; redefines "retail installment contract" to include a bailment or lease with an option to become the owner of the motor vehicle for nominal or no additional consideration beyond the contract; redefines "cash sale price" to include charges for goods or services related to the sale and any processing fee; defines "maintenance agreement," "service contract," "Truth in Lending Act," "United States Rule," and "vehicle protection product"; amends KRS 190.100 to provide that a retail installment contract need not appear on a single page and to authorize agreements that appear after the buyer's signature including on the back or on subsequent pages; deletes the requirement that a retail installment contract that includes title to or a lien on a motor vehicle not include accessories, special, or auxiliary equipment; deletes the provision that a retail installment contract determined by a pre-computed method authorize collection of a delinquency and collection charge; adjusts the permissible delinquency and collection charge on an installment in arrears for a period of 10 or more days to the greater of 5 percent of each installment or \$15 rather than 5 percent or \$5, whichever is less, and authorizes reasonable attorneys' fees rather than a maximum of 15 percent of the amount due under the contract; requires that the retail installment contract contain any separately itemized items in the cash price; provides that a retail installment contract is in compliance with the contract requirements of this Act if it satisfies the requirements of the Truth in Lending Act which apply to a retail installment contract regardless of whether the Act applies to the subject sale; amends KRS 190.110 to authorize a finance charge for a retail installment sale that is precomputed by using an add-on method subject to maximum charges based on the motor vehicle class; provides that a precomputed installment sale contract that provides for successive monthly payments of substantially equal amounts shall be prorated for a partial year based on the number of months in the partial year; requires a precomputed finance charge applicable to a retail installment sale to be at the maximum finance rate of the finance charge or alternatively the interest on a retail installment sale may be on a simple interest basis taking into account the number of days between payments using a fixed or variable rate subject to the maximum allowed by a precomputed add-on method; requires the effective rate of a finance charge permitted by the precomputed add-on method to be the rate computed in accordance with the actuarial method or the United State Rule; amends KRS 190.120 to require a refund of the finance charge for prepayment in full of a contract determined by a precomputed method to be not less than the refund computed pursuant to the Rule of 78s; and amends KRS 304.5-070 to cross-reference KRS 190.090 to 190.140 in the automobile guaranty section of the casualty insurance provision.

HB 419

AN ACT relating to an income tax checkoff for local food banks.

Creates a new section of KRS Chapter 141 to establish a check-off for contributions to the farms to food banks trust fund; amends KRS 247.985 to rename the surplus agricultural commodities fund as the farms to food banks trust fund; and amends KRS 247.984 to require a plan for expenditure of the funds and an annual report.

HB 421

AN ACT relating to insurance claims for residential roof repairs.

Creates new sections of KRS Chapter 367 to provide for a homeowner's right to cancel a contract for the repair or replacement of a roof system upon a determination that the damage is not covered under applicable policies of insurance; provides that nothing shall prohibit a roofing contractor from providing an estimate for work on residential property of the owner or conferring with insurance representatives about damage to property after a claim has been submitted by the owner of residential real property; establishes restrictions that apply to services for which payment is expected from the owner's insurer; requires roofing contractors to include conspicuous notice of cancellation rights and procedures in roofing contracts; prohibits roofing contractors from requiring deposits or advance payment except for emergency repairs necessary to protect the property from further damage; provides that a roofing contractor who performs services authorized by the owner, including services to prevent further damage, shall be entitled to collect a reasonable and customary amount for the work performed pending insurance claim determination; prohibits a roofing contractor from paying an owner of real property for whom any services have been performed for any reason in any form of compensation in excess of \$100 including a bonus, gift, prize or other specified forms of compensation; and prohibits roofing contractors from offering or providing financial offsets or incentives against insurance policy deductibles or proceeds for use of their services.

HB 425

AN ACT relating to recovery funds and making an appropriation therefor.

Amends KRS 324.410 to broaden the current statutory purposes of the real estate education, research, and recovery fund to include benefiting those seeking a real estate license in addition to those licensed under the chapter; authorizes the reimbursement to the trust and agency account for expenses incurred in subsidizing the programs and activities under the responsibility of the recovery fund; sets cap not to exceed \$250,000 annually for transfers or reimbursements of funds from the recovery fund to the trust and agency account; directs that the statement of income and expenses of the fund are in accordance with state financial reporting requirements; amends KRS 330.192 to include under the current statutory purposes of the auctioneer's education, research, and recovery fund benefiting those seeking an auctioneer license in addition to those licensed under the chapter; authorizes reimbursement to the trust and agency account for expenses incurred in subsidizing the programs and activities under the responsibility of the recovery fund; sets cap not to exceed \$250,000 annually for transfers or reimbursements of funds from the recovery fund to the trust and agency account; and directs that the statement of income and expenses of the fund are in accordance with state financial reporting requirements and made available within 120 days after the end of each fiscal year on the board's website or through other public media.

HB 429

AN ACT relating to continuing education for embalmers and funeral directors.

Amends KRS 316.130 to require embalmers and funeral directors to attain a minimum of 12 hours of continuing education every 2 years; and directs licensees to attend live, interactive, in-person continuing education programs for at least 6 of the 12 hours.

HB 433

AN ACT relating to condominiums and declaring an emergency.

Amends KRS 381.9105 to define “capital expenditure” and redefine “condominium” and “unit”; amends KRS 381.9145 to provide that a joinder of units does not alter the method of valuation; amends KRS 381.9167 to establish a fee structure for the issuance of a certificate necessary for the sale of a condominium, and provides an alternative method for making emergency assessments or repeal thereof; amends KRS 381.9179 to reduce the number of owners necessary to establish a quorum for the association to conduct of business; amends KRS 381.9187 to delete the requirement that an insurer of the association provide certificates of insurance related to common elements to every unit owner; amends KRS 381.9197 to require associations to prepare annual financial reports in accordance with standards based upon the income level of the association and requires that financial statements, if necessary, be prepared by certified public accountants; amends KRS 381.9201 to exempt specified transfers from the sale certificate requirements; amends KRS 381.9203 to identify the required contents of a sale certificate; creates a new section of KRS 381.9101 to 381.9207 to establish ethical standards for association board members and officers; amends KRS 381.9103, 381.9155, 381.9169, and 381.9175 to conform; and repeals KRS 381.865; EMERGENCY.

HB 439

AN ACT relating to speed limits on interstate highways.

Amends KRS 189.390 to add the entire length of Interstate 69 to the list of roads where the Secretary of the Transportation Cabinet can increase the speed limit to 70 miles per hour.

HB 440

AN ACT relating to agritourism.

Creates new sections of KRS 247.800 to 247.810 to define “agritourism,” “agritourism activity,” “agritourism professional,” and “participant”; to establish liability protection for agritourism professionals; to establish conditions under which agritourism professionals are not protected from liability; and to require warning notices to be posted at places that conduct agritourism activities; amends KRS 247.800 to conform; and amends KRS 247.808 to clarify what constitutes a quorum of the Agritourism Advisory Council.

HB 441

AN ACT relating to business entities.

Establishes KRS Chapter 272A and creates new sections of various subchapters thereof to cite chapter as the “Kentucky Uniform Limited Cooperative Association Act”; defines terms; authorizes the creation of limited cooperative associations; describes the characteristics of uniform limited cooperative associations in terms of membership, ownership, profit-making status, and duration of existence; identifies the powers of the limited cooperative association and state that the laws of the Commonwealth govern its internal affairs and liability; provides that

principles of law and equity are supplemental and that strict construction of statutes in derogation of common law does not apply to provisions governing limited cooperative associations; establishes other principles of law; establishes rights, penalties, and other matters in organic rules and makes organic rules govern relations between members, directors, and assignees in the limited cooperative association; makes the limited cooperative association a limited liability pass-through entity; provides that agreements among or within the limited cooperative association shall not be deemed a restraint of trade; requires names of limited cooperative associations to be in accordance with laws of the Commonwealth; identifies the items that may be contained in the articles of association and which of those items may be varied in the organic rules; requires maintenance of records in the limited cooperative association's principal office; allows a limited cooperative association to have patron members and investor members with rules that govern the interests and prerogatives of those members; requires the limited cooperative association to maintain a registered agent in the Commonwealth; provides for rules that govern records sent to the Secretary of State's Office for execution and the rights of and damages for failure to follow those rules; requires an annual report to be sent to the Secretary of State's Office and establishes new fees for documents filed for a limited cooperative association; allows a limited cooperative association to be formed by one or more organizers and provides the method of formally establishing the limited cooperative association, including the contents of the articles of association; establishes the initial steps to be taken after forming a limited cooperative association, including naming directors, holding meetings, accepting members, and establishing by-laws and the contents of the by-laws; allows the limited cooperative association to amend the organic rules and the by-laws and the method for so doing; permits amendments to organic rules to be made and voted on by both district and class and establishes the quorum and voting majority for approval; permits voting on restatement of articles of association and specifies the filing requirements for amended articles of association; requires two patron members before the limited cooperative association may conduct business; prohibits a member from binding a limited cooperative association solely by reason of membership; distinguishes and unobligates the debt and liability of a member from that of the limited cooperative association; prescribes the method of fulfilling a demand for a record of the limited cooperative association; prescribes the requirements for annual, special, and other meetings, including notification, notification waivers, and quorum; requires each patron member to have one vote, except when the organic rules allocate voting power on another basis; establishes the voting power of patron members and investor members and prohibit voting by proxy and allow, under specified circumstances vote actions without a meeting; allows formation of geographic districts for patron members and makes a member's interest personal property with governance, financial, and business rights with a limited cooperative association; provides for membership as patron or investor status, or both, predicated on the status when admitted into the limited cooperative association; prescribes how and when a member's interests are transferrable and subject transferability to the Uniform Commercial Code; prescribes the method to satisfy a judgment against a member out of the financial rights; defines "marketing contract" and establishes the time for transfer of title on goods associated with the contract and authorizations to create security interests and sell goods and settle accounts on a pooled or other basis; allows provisions of marketing contracts to be contained in the organic rules; prescribes the initial duration of the marketing contract at 10 years with a self-renewing provision for 5 years and termination with notice 90 days before the end of the current term; requires damages for breach of contract to be reasonable; specifies other types of relief and allows damages to be liquidated; requires at least three directors of a limited

cooperative association unless the cooperative has less than three members; sets the number of directors for a different number of patron members and allows for deviations in the organic rules; clarifies that the director is not a registered agent by virtue of that duty and identifies eligibility characteristics of the director; prohibits liabilities of the limited cooperative association from being that of the director; makes the director liable for personal acts of negligence, wrongful acts, or misconduct; sets the term of the directorship, and the re-election rules; allows for a director to be removed or suspended or to resign, and prescribes the method for qualifying a successor and filling vacancies; allows the board to set the pay of the directors, appoint and remove officers, and prescribe the duties of the board of directors generally, including holding meetings, voting, and establishing committees; specifies the duties of the director and officers of the limited cooperative association; requires organic rules to contain matters on contribution requirements of members and allocating profits among members and others; establishes deductions and set asides for determining profit distributions; establishes the rules governing contributions to the limited cooperative association; specifies what kind of distribution may be made to members to satisfy requirements and sets redemption and repurchase requirements; allows members to disassociate from the limited cooperative association and prescribes the rules that govern it; prescribes the method of dissolution and winding up operations of the limited cooperative association, including discharging obligations to creditors, disposition of claims against it, court-prescribed security for claims, and required filing for dissolution; allows members to maintain a derivative action against a limited cooperative association; permits the Attorney General to maintain an action against a foreign limited cooperative association in violation of the rules of governing them in the Commonwealth; specifies actions that do and do not require approval by the limited cooperative association; establishes definitions to govern mergers and conversions of limited cooperative associations; prescribes how to effectuate and the conditions for mergers and conversions, including voting; allows for electronic signatures; prohibits the laws governing limited cooperative associations from impacting existing cooperatives or associations; requires existing cooperatives to be governed by KRS Chapter 272 unless that cooperative elects to convert to a limited cooperative association, and prescribes a method of conversion; amends KRS 292.400 to exempt a patron member's interest in a limited cooperative association and all patronage refunds from the securities registration requirements; amends KRS 14A.1-070 to define "foreign limited cooperative association" and "limited cooperative association"; amends KRS 14A.3-010 to prescribe what is in a name for a limited cooperative association and deletes the case that the name "cooperative" may be used for a for-profit entity; deletes authorization to use name of another entity in the Commonwealth under specified circumstances; amends KRS 14A.2-020 to include documents to be delivered on behalf of a limited cooperative association; amends KRS 14A.2-040 to include articles of association and amendments in documents to be filed with the county clerk; amends KRS 14A.6-010 to include limited cooperative associations among the entities to file annual reports with the Secretary of State; amends KRS 14A.9-030 to include foreign limited cooperative associations among those entities to file certificates of authority with the Secretary of State; amends KRS 365.015 to include limited cooperative associations among the types of businesses that file under real names; prohibits use of assumed names unless filed certificate contains assumed name; deletes execution of certificates under assumed names and certificates of withdrawal under assumed names for partnerships, business trusts, corporations, and limited liability companies; includes limited cooperative associations among entities that file certificates of assumed name with the county clerk; amends 14A.3-040 to conform internal references; amends

KRS 14.105 to include limited cooperative associations among entities for which electronic signatures are accepted by the Secretary of State; amends KRS 141.424 to allow agriculture cooperatives formed as limited cooperative associations to apportion the biodiesel credit among patron members of the association; amends KRS 141.4246 to allow agriculture cooperative associations formed as limited cooperative associations to apportion the ethanol or cellulosic ethanol credit among patron members; amends KRS 247.4475 to allow agricultural cooperatives organized as limited cooperative associations to handle collection and disbursements of the assessment; and amends KRS 247.490 to allow agricultural cooperatives formed as limited cooperative associations to handle the collection and disbursement of assessments for members.

HB 444

AN ACT relating to taxation and declaring an emergency.

Amends KRS 136.120 to clarify that a qualified air freight forwarder is not subject to the public service property tax; amends KRS 141.121 to define the terms of “affiliated airline” and “qualified air freight forwarder” and to clarify that freight forwarding revenues are included in the numerator of the sales factor by a ratio of miles operated in Kentucky over total miles operated; and applies to taxable years beginning on or after January 1, 2010; EMERGENCY

HB 449

AN ACT relating to evacuation plans for family child-care homes.

Amends KRS 199.895 to require certified family child-care homes to have written plans for evacuation in case of threatening situations.

HB 458

AN ACT relating to ambulatory surgical centers.

Amends KRS 216B.015 to clarify the definition of ambulatory surgical center; amends KRS 216B.020 to require physician’s offices operating as ambulatory surgical centers to be licensed; amends KRS 216B.061 to require ambulatory surgical centers to obtain a certificate of need unless otherwise exempt or in operation on the effective date of this Act; amends KRS 216B.095 to require the Cabinet for Health and Family Services to grant a nonsubstantive review for ambulatory surgical centers that meet specific criteria; and amends KRS 304.17A-147 and 304.17A-1473 to conform.

HB 461

AN ACT relating to fire protection sprinkler system design and installation.

Amends KRS 198B.550 to augment the definition of “fire protection sprinkler system”; amends KRS 198B.560 to prohibit a person other than a certificate holder or an employee of a certificate holder from preparing technical drawings, installing, repairing, altering, extending, maintaining, or inspecting a fire protection sprinkler system except for persons otherwise exempt; amends KRS 198B.990 to stipulate that a violation of KRS 198B.550 to 198B.630 or 198B.6401 to 198B.6417 shall be subject to a \$100 to \$1,000 fine, with each day being a separate offense; and provides for an effective date of January 1, 2013.

HB 465

AN ACT relating to Brownfield Redevelopment.

Creates a new section of Subchapter 1 of KRS Chapter 224 to establish a Brownfield Redevelopment Program to be administered by the Energy and Environment Cabinet; allows, under specified circumstances, property owners to perform characterization or corrective action to property where a release of petroleum, pollutants, or contaminants has occurred without liability; clarifies that the future use of a property in the Brownfield Redevelopment Program shall not interfere with remediation of the release or increase the impact of the release on human health or the environment, and requires the cabinet to concur in writing; requires the property owner to provide persons performing remediation access to the property; establishes criteria for the protection from liability for property owners and authorizes the cabinet to promulgate administrative regulations for establishing procedures for implementing the Brownfield Redevelopment Program, which may include administrative forms, technical standards, and fees to cover costs; amends KRS 224.60-135 to clarify that property owners who are not tank owners or operators are not required to undertake corrective action when a release from a petroleum storage tank has occurred; and amends KRS 224.60-138 to clarify that the cabinet's general authority does not extend to residual contamination on property where a release has occurred from a petroleum storage tank if the contamination is below standards established by the cabinet under the Brownfield Redevelopment Program.

HB 467

AN ACT relating to statewide notification systems.

Creates a new section of KRS Chapter 211 to require the Department for Public Health to establish and implement a plan to achieve continuous quality improvement in the quality of care provided under a statewide system for stroke response and treatment; requires the Department for Public Health to maintain a statewide stroke database; requires the database to align with nationally approved stroke consensus measures; requires the Department for Public Health to utilize the "Get with the Guidelines-Stroke" quality improvement program or a similar program; requires primary stroke centers to report each case of stroke seen at the facility to the statewide database; requires the department to coordinate with national voluntary organizations involved in stroke quality improvement, to encourage and facilitate information sharing and communication among stroke health care providers, to apply evidence-based treatment guidelines for transitioning stroke patients to community-based care, and to establish a data oversight process; requires that all data reported to the statewide database be made available to the department and all government agencies or contractors responsible for managing and administering emergency services; requires the department to provide a report of its data and related findings and recommendations to the Governor and the Legislative Research Commission annually by June 1 and to make the report available on the department's website; prohibits any disclosure of information in violation of federal confidentiality requirements and standards; amends KRS 39F.010, relating to rescue squads, to define "developmental disability," "impaired person," and "traumatic brain injury"; amends KRS 39F.020, relating to rescue squad searches for lost persons, to include all impaired persons and provide for media notification about the lost person; amends KRS 39F.180, relating to the reporting of lost or missing persons to the Division of Emergency Management, to establish a "Golden Alert D" and the population it represents; updates the established "Golden Alert" for impaired persons; requires a search for a missing minor person to be reported immediately to the Division of Emergency Management and the

Department of Kentucky State Police; establishes training on searching for those with traumatic brain injuries; and provides that organizations familiar with traumatic brain injuries and developmental disabilities be consulted regarding curricula for training.

HB 480

AN ACT relating to county attorney-operated traffic programs.

Amends KRS 186.574 to permit county attorneys to operate traffic safety programs; excludes from county attorney-operated traffic safety programs any violators of KRS 189A.010, relating to driving under the influence, any holders of commercial drivers licenses issued under KRS Chapter 281A, and any violators of KRS 304.39-010, relating to driving without insurance from participating in a county attorney-operated traffic safety program; permits assessment of a reasonable fee; requires county attorneys operating a traffic safety program to report specified data to the Prosecutors Advisory Council on an annual basis; requires the Attorney General to report annual data compiled by the Prosecutors Advisory Council related to county attorney-operated traffic safety programs to the Legislative Research Commission; and requires a participating offender to pay an additional \$25 fee to the circuit clerk to be used for hiring additional deputy clerks and enhancing salaries of deputy clerks.

HB 481

AN ACT relating to controlled substances and declaring an emergency.

Creates a new section of KRS Chapter 218A to prohibit trafficking in or possession of synthetic drugs and establish a maximum fine of double the gain from the commission of the offense; amends KRS 218A.010 to define “synthetic cannabinoids or piperazines,” “synthetic cathinones,” and “synthetic drugs”; amends KRS 218A.020 to permit the Office of Drug Control Policy to make recommendations to the Cabinet for Health and Family Services regarding controlled substances scheduling; amends KRS 218A.141, relating to cleanup costs for drug trafficking, to include trafficking in synthetic drugs; amends KRS 218A.350 to create a penalty structure mirroring the structure established for trafficking in synthetic drugs; amends KRS 218A.1411, relating to trafficking in the vicinity of a school, to include synthetic drugs; amends KRS 218A.410, relating to forfeiture in drug cases, to add trafficking in synthetic drugs; amends KRS 218A.992 to include trafficking in synthetic drugs as an offense triggering a penalty increase when committed while in possession of a firearm; amends KRS 243.500, relating to liquor license revocations, to include synthetic drugs; and repeals KRS 218A.1426, 218A.1427, 218A.1428, 218A.1453, 218A.1454, and 218A.1455 relating to synthetic cannabinoids and piperazines and synthetic cathinones; EMERGENCY.

HB 484

AN ACT relating to concealed deadly weapons.

Amends KRS 527.020, relating to carrying a concealed deadly weapon, to permit a person to carry a concealed deadly weapon without a concealed deadly weapon license on his or her own property or on property of named relatives with their permission; and permits a sole proprietor of a business to carry a concealed deadly weapon without a license on property owned or leased by the sole proprietor.

HB 485

AN ACT relating to individuals with intellectual disabilities.

Creates a new section of KRS Chapter 446 to require the Kentucky Revised Statutes to no longer utilize the terms “mental retardation” or “mentally retarded” or abbreviations that use the letters “MR” to signify mental retardation or mentally retarded; sets forth permissible alternative terms, including “intellectual disability,” “intellectual disabilities,” “individual with an intellectual disability,” “individuals with an intellectual disability,” “individual with a serious intellectual disability,” or “individuals with a serious intellectual disability”; clarifies that new terms shall be understood to have the exact meaning as the terms that they replace; changes the names of ICF/MRs to ICF/IDs to the extent permitted by federal law; amends various sections of the Kentucky Revised Statutes to replace all occurrences of the old terms in statutes with the new terms, including the names of agencies, boards, care facilities, services, programs, professionals, diagnoses, the title of a chapter, and the names of nongovernmental entities that have incorporated the new terminology.

HB 495

AN ACT relating to unemployment insurance and declaring an emergency.

Amends KRS 341.240, relating to the unemployment compensation administration fund, to authorize the secretary to obtain funding through commercially reasonable means to pay interest on federal unemployment loans and to pledge proceeds from a surcharge on contributing employers as security; amends KRS 341.595 to require the Governor to make application in 2013 and subsequent years for a cap on federal unemployment tax credit reductions; amends KRS 341.611 to require that interest on federal unemployment loans be paid from the unemployment compensation administration fund and to assess a surcharge on contributing employers to pay interest; creates a new section of KRS Chapter 341 to establish an annual surcharge, beginning on January 1, 2014, on contributing employers if there are insufficient funds to pay interest and costs relating to federal unemployment loans; requires annual adjustment of surcharge, beginning in January 2015, based on increase in the taxable wage base; permits the secretary to reduce or suspend the annual surcharge; imposes penalties, including liens, on delinquent surcharge payments; amends KRS 341.612 to provide that balance remaining in interest payment fund be credited to employers’ reserve accounts; creates a new section of KRS Chapter 341 to require suspension of the taxable wage base increase when the trust fund balance reaches \$200 million; limits suspension to the number of years that employers paid additional federal unemployment taxes; permits taxable wage base to increase if trust fund balance is within \$20 million of a lower rate schedule trigger amount; provides that increases in maximum weekly benefit amount shall not be limited by suspension of the taxable wage base; prohibits suspension of the increase in taxable wage base if the trust fund balance is less than \$200 million or if suspension would violate federal unemployment laws; and requires the secretary to report to the Legislative Research Commission on July 1, 2012, and quarterly thereafter on the status of the financing provision, unemployment trust fund, and efforts to obtain a federal tax reduction cap; EMERGENCY.

HB 496

AN ACT relating to open records.

Amends KRS 61.870 to exclude funds derived from a state or local authority in compensation for goods or services provided by a contract obtained through a public competitive

procurement process from the determination of whether an entity is a public agency under the public records statutes; and changes the requirement that the company derive at least 25 percent of its funds expended by it in the Commonwealth within the current fiscal year be expended to within any fiscal year.

HB 497

AN ACT relating to insurance.

Creates a new statute in Subtitle 13 of KRS Chapter 304 that sets exceptions to an insurer's use of credit information with regard to rates, rating classifications, tier placement, and underwriting guidelines for specific life events; amends KRS 304.16-030 and 304.16-090 to permit insureds to contribute to the cost of their group life insurance; amends KRS 304.16-085 to change the definition of dependent, as it relates to group life insurance, to permit dependent coverage for certain disabled dependents beyond age 18; creates a new section of KRS Chapter 304, Subtitle 16, to provide for discretionary groups; creates a new section of KRS Chapter 304, Subtitle 20, to prohibit an insurer from canceling, nonrenewing, or increasing the premium based on an inquiry that does not reasonably apprise the insurer of a claim; amends KRS 304.20-040 to require 14 days' notice for cancellation of a personal automobile policy that has been in effect for less than 60 days, to address cancellations or nonrenewals of property and casualty coverage based solely on a specific life event that influences a person's credit information, and to require insurers to respond to a request for information from the Department of Insurance regarding the nonrenewal of a personal automobile policy within 7 days; amends KRS 304.020-042 to address cancellations or nonrenewal of property and casualty coverage based on a specific life event that influenced a person's credit information; amends KRS section 304.17A.150 to include as an unfair trade practice any requirements that restrict, reduce, or negate benefits covered under a health benefit plan; and creates a new section of Subtitle 17C of KRS Chapter 304 to prohibit setting fees for noncovered services or requiring plan approval in a limited health service benefit plan participating provider agreement.

HB 499

AN ACT relating to fiscal matters and declaring an emergency.

Provides for a tax amnesty program to be held during fiscal year 2012-2013; allows the Office of Attorney General to recover reasonable costs of litigation; extends the sunset date to June 30, 2014, for the waste tire fee; removes the \$19 million distribution of coal severance revenues for the Workers' Compensation Funding Commission; provides a one-half of 1 percent administrative fee for projects administered by the Kentucky Infrastructure Authority during the biennium; allows the Office of Attorney General to submit proposals to a state agency specifying legal work that is presently accomplished through personal services contracts; allows the Office of the Auditor of Public Accounts to charge an audited government or agency for any additional expenses incurred in audits unrelated to an audit of the statewide systems; requires the insurance surcharge rate to be set at a sufficient rate to fund the Firefighters Foundation Program Fund and the Kentucky Law Enforcement Foundation Program Fund; allows the Department of the Treasury to sell unclaimed securities at a time to be determined by the Finance and Administration Cabinet; requires the Transportation Cabinet to transfer abandoned cash bonds related to the weight distance tax; requires the insurance premium and retaliatory taxes be credited to the general fund; requires the Department of Revenue to report to the Interim Joint Committee on Appropriations and Revenue regarding the results of tax amnesty and additional

staff authorized for enhanced compliance; amends KRS 132.099 to define terms and set the maximum ad valorem tax rate that may be levied by any special taxing district on drugs held by a pharmaceutical manufacturer in a warehouse for the purpose of shipment to an out-of-state destination at 3 cents upon each \$100 of value; amends KRS 45A.850 to require underwriters or bond counsel firms be chosen for the Kentucky Public Transportation Infrastructure Authority; requires any set-off or credit of city license fees against county license fees that exist between a city and county as of March 15, 2012, to remain in effect as it is on March 15, 2012; and prohibits the provisions of KRS 68.197(7) from applying to a city and county unless both the city and the county have both levied and are collecting license fees on March 15, 2012; EMERGENCY.

HB 500

AN ACT relating to the regulation of firearms, firearm parts and accessories, ammunition, and ammunition components.

Amends KRS 65.870, which limits cities and counties from having local firearms ordinances, to expand the units of government and public agencies covered, expand limitations on local action, and permit adversely affected persons or organizations to seek injunctive relief.

HB 502

AN ACT relating to pension plans for second class cities.

Amends KRS 95.859 to permit cities of a second class to provide a cost of living adjustment to members of their closed Policemen's and Firefighters' Retirement Fund not to exceed the lesser of the annual average increase in the Consumer Price Index or 5 percent; requires approval by the city's legislative body for each cost of living adjustment provided and permit the city to repeal, suspend, or reduce any cost of living approved by the city as the city deems necessary; and amends KRS 95.872 to conform.

HB 509

AN ACT relating to the transportation of steel.

Amends KRS 189.2715, relating to overweight permits for the transportation of steel products or materials, to extend the allowable distance for the permits from 35 to 150 miles.

HB 510

AN ACT relating to oral health in nursing homes and making an appropriation therefor.

Creates a new section of KRS Chapter 216 to define terms; requires the Cabinet for Health and Family Services to collaborate with the University of Kentucky and University of Louisville schools of dentistry to design and implement a pilot program to improve daily access to oral health care for nursing home residents; subjects the program to approval by the Centers for Medicare and Medicaid Services, references federal funding mechanism; states activities that the pilot program shall fund; permits two nursing homes to share one aide depending on need; allows the cabinet to promulgate regulations; and requires a periodic evaluation and report.

HB 511

AN ACT relating to motor vehicle titles.

Amend KRS 186A.060 to require that vehicle titles contain space exclusively reserved for a minimum of two dealer assignments; and amends KRS 186A.170 to clarify the procedures

for recording and printing titles for vehicles with more than two owners; EFFECTIVE January 1, 2014.

HB 518

AN ACT relating to vehicles and declaring an emergency.

Amends KRS 224.50-855 to add a member to the Waste Tire Working Group who is a county judge/executive, to be appointed by the Governor from a list of three nominees submitted by the Kentucky County Judge/Executive Association; adds a member to the working group who is a mayor, to be appointed by the Governor from a list of three nominees submitted by the Kentucky League of Cities; adds a member to the working group who is a representative of private industry engaged in the business of retail tire sales; and sets maximum standards for Transportation Cabinet regulations for escort vehicle requirements for overdimensional farm implements; EMERGENCY.

HB 519

AN ACT relating to public protection.

Amends KRS 600.020 to expand the definition of sexual abuse and sexual exploitation to include acts committed by persons in a position of authority or special trust; amends the definition of an abused child to include persons in a position of authority or special trust and persons over 21 years of age who commit an act of sexual abuse, sexual exploitation, or an act of prostitution against a child less than 16 years of age; amends KRS 510.060 and 510.090 to change the age of the victims of those offenses from less than 16 to less than 18 when the offense is committed by a person in a position of authority or special trust; and amends KRS 530.020 to include aunt, uncle, step-grandparent, and step-grandchild within the proscribed incest relationships.

HB 533

AN ACT relating to private transfer fee obligations and declaring an emergency.

Creates new sections of KRS Chapter 382 to define “private transfer fees,” related terms, and exceptions; prohibits the inclusion of private transfer fees in real property transactions, provides civil remedies; requires conspicuous notice of all fees and obligations in contracts for the purchase of real estate; provides civil remedies for a violation; and prohibits waiver; EMERGENCY.

HB 539

AN ACT relating to economic development.

Amends KRS 154.26-010 to add definitions for “supplemental project” and “supplemental project eligible company”; amends KRS 154.26-080 to allow a company with a revitalization agreement outstanding to apply for a supplemental project; and applies to taxable years beginning on or after January 1, 2014.

HB 545

AN ACT relating to governmental revenue functions and declaring an emergency.

Amends KRS 134.010 to change the definition of “taxpayer”; amends KRS 134.122 to delete an incorrect reference; amends KRS 134.127 to allow county clerks to discharge notices when delinquent property taxes are paid to the county clerk; amends KRS 134.128 to revise the

sale process for certificates of delinquency; amends KRS 134.129 to require registration with the Department of Revenue for persons paying more than 5 certificates of delinquency statewide or more than three certificates of delinquency in any county; amends KRS 134.490, to amend notice and installment payment provisions, and to correct drafting errors relating to submission of notices returned as undeliverable; amends KRS 134.504 to correct a drafting error; amends KRS 134.551 to clarify the process for refunds of filing fees when tax bills are exonerated, and to provide that the appeal of a denial of an application for refund must be made to the Kentucky Board of Tax Appeals; amends KRS 132.220 to restore language regarding responsibility for payment of the ad valorem tax; amends KRS 133.130 relating to exonerations; amends KRS 134.126 to conform; creates a new section of KRS Chapter 64 to allow county clerks to impose a fee of up to 50 cents per page for copies; amends KRS 134.452 to revise provisions relating to fees imposed by third-party purchasers; creates a new section of KRS Chapter 134 to require county clerks to provide information to the department, and to require the department to publish the information on its website; and provides that the amendments made in Section 13 apply to certificates of delinquency purchased on or after the effective date of the Act; EMERGENCY.

HB 550

AN ACT relating to nutrition.

Directs the staff of the Legislative Research Commission to undertake a review of Kentucky-related nutritional studies and programs; directs interviews with those knowledgeable on the nutrition issue; directs consideration of the need for a nutritional pilot program; and requires a written report of findings to the Legislative Research Commission on or before November 30, 2012.

HB 559

AN ACT relating to energy technologies.

Amends KRS 278.605 to allow for certain nuclear-based technologies, including the enrichment of depleted uranium hexafluoride tails, processing of metals contaminated with radioactive materials, recycling or reprocessing of spent nuclear fuels, and nuclear-assisted coal or gas conversion processes, as long as electricity production is not the primary output of the processes.

HB 563

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 527 to create the crime of fraudulent firearm transaction when a person knowingly and fraudulently informs a firearms dealer or a private person that the proposed firearms transaction is illegal when it is legal or that is legal when it is illegal; and establishes violation as a Class D felony.

HJR 11

Expresses a need to undertake stream restoration to improve the chemical and biological characteristics of the water; identifies improvements to sewer infrastructure and straight pipes as a method of undertaking stream restoration via mitigation; expresses concern that the Appalachian region is subjected to a more rigorous conductivity standard that reduces the eligible waters in that region for mitigation awards; encourages Section 404 permittees that

engage in permittee responsible mitigation to utilize the 25 percent set aside for sewer infrastructure and straight pipes; requires the Energy and Environment Cabinet to work with the University of Kentucky and University of Louisville to develop a method of evaluating the value of straight pipes and sewer projects to the overall mitigation requirement; requires that a report be sent to the Legislative Research Commission by June 15, 2013, and every year thereafter; and requires that a copy be sent to the US Army Corps of Engineers, the Energy and Environment Cabinet, and members of the Kentucky congressional delegation.

HJR 23

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

HJR 77

Provides for the last 4 years of the Six-Year Road Plan.

HCR 29

Encourages public institutions to promote outdoor experiences and outdoor activities as a part of childhood development; and makes enhanced opportunities for outdoor activity a public policy goal of the Commonwealth.

HCR 53

Directs the Interim Joint Committee on Local Government during the 2012 Interim to study special districts' fiscal, administrative, and ethical issues in light of recent audits conducted by the Auditor of Public Accounts of the Commonwealth of Kentucky.

HCR 129

Establishes a task force to study the Unified Juvenile Code; establishes membership of task force; provides that the task force may study issues related to status offenders, the use of community resources, alternatives to detention, reinvestment of savings to create community-based treatment programs, feasibility of establishing an age of criminal responsibility, issues related to domestic violence and its impact on children exposed to domestic violence, issues related to special needs children, and use of validated risk and needs assessments; and permits the task force to provide a draft of recommended changes to the Unified Juvenile Code and related statutes in its report to the Legislative Research Commission no later than January 7, 2013.

HCR 155

Directs the Legislative Research Commission to establish a task force to study interscholastic athletics at the middle school level; identifies areas to be studied and task force membership; and requires findings and recommendations to be reported by December 7, 2012.

HCR 162

Establishes the Kentucky Public Pensions Task Force to study Kentucky's state-administered pension funds and to develop consensus recommendations concerning the benefits, investments, and funding of those funds; names the membership of the task force; requires the task force to meet at least monthly during the 2012 interim period before submitting its findings

and recommendations; and requires its findings and recommendations and any proposed legislation be submitted to the Legislative Research Commission by December 7, 2012.

Index

Accountants

Business, local taxation, standardized forms for - HB 277

Administrative Regulations and Proceedings

Administrative regulations, drafting process, procedures for - SB 157
Home medical equipment and services providers, licensure qualifications, establishment of - HB 282
Kentucky
Board of Education, districts of innovation, implementation of - HB 37
Board of Education, students with disabilities, alternative diploma for - SB 43
National Guard Adoption Assistance Program, regulations for - HB 224
Law Enforcement Officer Safety Act, update to - HB 72
Medical imaging and radiation therapy board, promulgation for - HB 137
Public Protection Cabinet, secondary metals recycler registration system, requirements for - HB 390

Advertising

Home medical equipment and services providers, display of license, requirement for - HB 282
Kentucky Commission on Proprietary Education, compliance, requirements for - HB 308
Transportation Cabinet, certificate of authority, legal notice for - SB 160

Aged Persons and Aging

Home medical equipment and services providers, licensure of - HB 282
Long-term
care administrator, licensing of - SB 82
care administrators, licensing of - HB 294
Personal-care homes, qualified mental health professionals, assessment by - SB 115

Agriculture

Agricultural cooperatives, limited cooperative associations, authorization for - HB 441
Agritourism, promotion of - HB 440
Bed and breakfast, innkeeper residence, requirement for - HB 128
Farmstays, definition of - HB 128
Food banks, tax refund checkoff, use of - HB 419
Motorless vehicles, alternative lighting and marking, requirements for - SB 75
Nutrition, Legislative Research Commission, study by - HB 550
State/Executive Branch Budget - HB 265

Stockyards and buying stations, regulation of - SB 92
Wild hog, release, prohibition against - HB 344

Alcoholic Beverages

Qualified historic sites, sales at - SB 40
Restaurants, retail drink license, requirements for - SB 40

Alcoholism

Testing, employment, miner, requirement for - HB 385

Amusements and Recreation

Children's Outdoor Bill of Rights, recommendation for - HCR 29
Racing, quarter horse, appaloosa, and Arabian horse racing, requirements for - HB 353

Animals, Livestock, and Poultry

Agritourism, promotion of - HB 440
Bed and breakfast, innkeeper residence, requirement for - HB 128
Farmstays, farm animal activity sponsor, inclusion under definition for - HB 128
Kentucky quarter horse, appaloosa, and Arabian purse fund, oversight of - HB 353
Limited cooperative associations, establishment of - HB 441
Stockyards and buying stations, regulation of - SB 92
Wild hog, release, prohibition against - HB 344

Appropriations

Commonwealth, claims against - HB 383
Home medical equipment and services providers, regulation of - HB 282
Iraq/Afghanistan War Memorial Fund, establishment of - HB 256
Judicial Branch Budget - HB 269
Legislative Branch Budget - HB 268
Oral health, preventive care, nursing homes, pilot program, funding of - HB 510
State/Executive Branch Budget - HB 265

Archives and Records

Divorce, electronic forms, requirement for - SB 57

Area Development Districts

State/Executive Branch Budget - HB 265

Associations

Limited cooperative associations, establishment of - HB 441
Meetings, condominiums owners, quorum of - HB 433

Athletics

Coaches, sports safety course, concussion and head injury, training about - HB 281
Middle school, study of - HCR 155
Outdoor sports and activities, children, right to engage in by - HCR 29

Attorney General

Prosecutors Advisory Council, county attorney-operated traffic safety programs, report to - HB 480
State/Executive Branch Budget - HB 265
Traffic safety programs, Prosecutors Advisory Council, report of - HB 480

Attorney, Commonwealth's

Retired, concealed deadly weapon statewide, authorization for - HB 171
State/Executive Branch Budget - HB 265

Attorney, County

Retired, concealed deadly weapon statewide, authorization for - HB 171
State/Executive Branch Budget - HB 265
Traffic safety programs, operation of - HB 480

Attorneys

Estate, trust, notice of - HB 155
Motor vehicle reparation benefits, payment for - HB 42

Auditor of Public Accounts

Executive Branch Ethics Commission, information, sharing of - HB 402
Reorganization, Auditor's Office, APA Executive Order 11-01 - HB 348
State/Executive Branch Budget - HB 265

Audits and Auditors

Reporting, pharmacies, requirements for - HB 349

Banks and Financial Institutions

Derivative transactions, definition of - HB 309
Foreclosure sale, expedited procedure for - HB 396
Money transmitter licensees, investments by - HB 227

Open-end management company, shares, money transmitter, investments by - HB 227

Personal credit exposure, derivative transaction, inclusion of - HB 309
indebtedness, determination of - HB 309
Retail installment contract, motor vehicles, interest for - HB 417
Trust, administration of - HB 155

Barbers and Cosmetologists

Board of Hairdressers and Cosmetologists, requirements for - HB 311
Cosmetologists, licensing of - HB 311

Boats and Boating

Personal watercraft, inland navigation rules, citation for - HB 93

Bonds of Surety

Stockyards and buying stations, regulation of - SB 92

Bonds, Public

Refunding transactions, direct deposit of proceeds from - HB 50

Budget and Financial Administration

Biennial Highway Construction Plan, FY 2012-2014 - HB 267
Commonwealth, claims, appropriation for - HB 383
Fire and tornado fund, self-insured retention, ceiling, amount of - HB 351
Judicial Branch Budget - HB 269
Legislative Branch Budget - HB 268
Refunding transactions, direct deposit of proceeds from - HB 50
Six year road plan, last four years of - HJR 77
State/Executive Branch Budget - HB 265
Treasury, state check, fee, removal of - HB 383

Campaign Finance

Reports, electronic filing, requirement for - HB 90

Capital Construction

State/Executive Branch Budget - HB 265

Cemeteries and Burials

Confederate veterans, funeral expenses, repeal of - HB 85

General Assembly Action 2012 Regular Session

Funeral directors and embalmers, courtesy cards, standards for - SB 163

Charitable Organizations and Institutions

Food banks, tax refund checkoff, use of - HB 419
Trust, administration of - HB 155

Children and Minors

Abused child, definition of - HB 519
Child-care home, written evacuation plan, requirement for - HB 449
Education, career and technical programs for - SB 38
IMPACT Plus, criteria for - HB 294
Kentucky National Guard Adoption Assistance Program, establishment of - HB 224
Motor vehicle instruction permit holder, 21 year old passenger requirement, exemption from - SB 124
Motorcycle instruction permits, eligibility for - HB 328
Outdoor Bill of Rights, recommendation for - HCR 29
Out-of-home care, processes for - HB 294
School, entrance age for - SB 24
State custody, commitment to - SB 213
Unified Juvenile Code, review, task force for - HCR 129

Circuit Clerks

Motorcycle instruction permits, eligibility for - HB 328
Operator's licenses and personal identification cards, veteran, designation of - HB 221

Cities

Business, taxation, standardized forms for - HB 277
Charter county government, participation in - HB 189
Council and mayoral positions, minimum age for - HB 112
County ambulance service taxing districts, board members, number of - SB 91
Electricians, inspection and licensure, study of - HB 215
Emergency, interstate mutual aid agreement, authorization for - SB 55
Firearm, ordinance, limit on - HB 500
Firefighters, totally disabled, insurance payments to - HB 324
Hurstbourne Acres, reclassification of - HB 287
Local referendum, petitions, requirements for - SB 123
Ordinances, residential care facilities, licensing of - HB 122
Second class, boards of zoning adjustment, creation of - HB 123
Water districts, rates, collection of - SB 150

Cities, Classification

Hurstbourne Acres, reclassification of - HB 287

Cities, Second Class

Boards of zoning adjustment, creation of - HB 123
Retirement, closed police and fire pension plans, COLA for - HB 502

Civil Actions

Business
entities, provisions for - HB 341
trusts, formation and governance of - HB 341
Contracts, roof repair, cancellation of - HB 421
Estates, informal periodic settlement of - HB 156
Injunction, firearm, ordinance, relief against - HB 500
Private transfer fees, prohibition, remedies for - HB 533
School property, recreational use, immunity for - SB 110
Unified Juvenile Code, review, task force for - HCR 129

Civil Procedure

Business
entities, provisions for - HB 341
trusts, formation and governance of - HB 341
Contracts, roof repair, cancellation of - HB 421
Estates, informal periodic settlement of - HB 156
Private transfer fees, prohibition, remedies for - HB 533
Probate, trust, administration of - HB 155
School property, recreational use, immunity for - SB 110
Unified Juvenile Code, review, task force for - HCR 129

Claims

Commonwealth, appropriation for - HB 383
Contracts, roof repair, cancellation of - HB 421
Treasury, state check, fee, removal of - HB 383

Coal

404 mitigation, straight pipe and sewer projects, use for - HJR 11
Drug or alcohol test, miner, requirement for - HB 385
Truck drivers, commemoration, designated day for - HB 411

Commendations and Recognitions

Coal truck drivers, commemoration, designated day for - HB 411
Road naming, omnibus resolution for - HJR 23

Commerce

Business
entities, provisions for - HB 341
trusts, formation and governance of - HB 341
Business, local taxation, standardized forms for - HB 277
New motor vehicles, defects, repairs to - HB 347
Steel haul permits, allowable distances for - HB 509

Communications

Electronic filing, campaign finance reports, requirement for - HB 90
Facilities, underground, protection of - SB 152

Confirmation of Appointments

Armstrong, David L., Public Service Commission, confirming - SR 342
Austin, Steve, Kentucky Public Transportation Infrastructure Authority, confirming - SR 280
Bailey, Betty B., Agricultural Development Board, confirming - SR 302
Beardsley, Brandy L., Education Professional Standards Board, confirming - SR 294
Bielski, Bradley A., Education Professional Standards Board, confirming - SR 308
Blevins, Donald W., Personnel Board, confirming - SR 292
Ellen E., Education Professional Standards Board, confirming - SR 283
Borders, R. Scott, Department of Workers' Claims, administrative law judge, confirming - SR 319
Boyd, Barbara Ann, Education Professional Standards Board, confirming - SR 301
Caudill, John, Kentucky Employers' Mutual Insurance Authority, confirming - SR 306
Center, Rosemary F., Registry of Election Finance, confirming - SR 291
Chandler, Tommy W., Personnel Board, confirming - SR 289
Collins, Roy G., Agricultural Development Board, confirming - SR 307
Davis, Marc Christopher, Department of Workers' Claims, administrative law judge, confirming - SR 318
Denton, Glenn D., Council on Postsecondary Education, confirming - SR 323
Depp, Dwayne F., Parole Board, confirming - SR 304
Donan, William David, Mine Safety Review Commission, confirming - SR 324
Dunn, Cecil F., Board of Tax Appeals, confirming - SR 303
Fiepke, James D., Bi-state Authority, confirming - SR 310
Flanagan, Dan E., Council on Postsecondary Education, confirming - SR 337
Godby, Christopher, Fish and Wildlife Resources Commission, confirming - SR 281
Gott, Douglas W., Department of Workers' Claims, Administrative law judge, confirming - SR 325
Griffie, Keith Dana, Kentucky Lottery Corporation Board of Directors, confirming - SR 287
Hatfield, Debbie B., Governor's Postsecondary Education Nominating Committee, confirming - SR 309
Hays, Edward D., Department of Workers' Claims, administrative law judge, confirming - SR 320
Hopkins, Shae, Governor's Postsecondary Education Nominating Committee, confirming - SR 305
Hunt, Wayne, Agricultural Development Board, confirming - SR 316

Ingordo, David Martin, Kentucky Lottery Corporation Board of Directors, confirming - SR 288
Johnson, Charlie W., Kentucky Public Transportation Infrastructure Authority, confirming - SR 285
Sarah G., Parole Board, confirming - SR 299
Jones, Allison E., Department of Workers' Claims, administrative law judge, confirming - SR 334
Kennedy, Allen E., Education Professional Standards Board, confirming - SR 293
Lawson, Benjamin S., Agricultural Development Board, confirming - SR 297
Mattingly, Thomas W., Agricultural Development Board, confirming - SR 322
May, Laranna L., Education Professional Standards Board, confirming - SR 331
McCann, Kimberly S., Governor's Postsecondary Education Nominating Committee, confirming - SR 295
McMillen, Marie Renee, Education Professional Standards Board, confirming - SR 298, 329
Moore, Samuel E., Agricultural Development Board, confirming - SR 336
Newcomb, Sam H., Kentucky Employers' Mutual Insurance Authority Board, confirming - SR 326
Pitchford, J. Duncan, Mine Safety Review Commission, confirming - SR 311
Rankin, Troy D., Agricultural Development Board, confirming - SR 328
Richardson, Tilford "Ted," Kentucky Lottery Corporation Board of Directors, confirming - SR 290
Roark, Grant Stewart, Department of Workers' Claims, administrative law judge, confirming - SR 321
Rudloff, William J., Department of Workers' Claims, administrative law judge, confirming - SR 333
Sidebottom, Jim, Agricultural Development Board, confirming - SR 300
Smith, Lawrence F., Workers' Compensation Board, confirming - SR 313
Spears, Amanda, Parole Board, confirming - SR 312
Stephens, Thomas B., Registry of Election Finance, confirming - SR 314
Strong, Ronald Anthony, Education Professional Standards Board, confirming - SR 296
Stull, Thomas J., Education Professional Standards Board, confirming - SR 282
Thacker, Voncel, Fish and Wildlife Resources Commission, confirming - SR 332
Thompson, Neeka L. Parks, Parole Board, confirming - SR 317
Walker, Michael R., Kentucky Public Transportation Infrastructure Authority, confirming - SR 284, 330
Weatherby, Jonathan R., Department of Workers' Claims, administrative law judge, confirming - SR 335
Williams, C. F., Fish and Wildlife Resources Commission, confirming - SR 315
Wise, Joseph B., III, Council on Postsecondary Education, confirming - SR 286

Congressional Districts

Filing deadline, extension of - HB 302
Filing, deadline for - HB 2

General Assembly Action 2012 Regular Session

Redistricting, statewide plan for - HB 302

Consolidated Local Governments

Business, taxation, standardized forms for - HB 277
 City of second class, board of zoning adjustment, creation of - HB 123
 Council and mayoral positions, minimum age for - HB 112
 Firearm, ordinance, limit on - HB 500
 Local referendum, petitions, requirements for - SB 123
 Ordinances, residential care facilities, licensing of - HB 122

Constables

Kentucky Blue Alert Network, creation of - SB 32
 Law Enforcement Officer Safety Act, update to - HB 72

Consumer Affairs

Fire protection, sprinkler systems, requirements for - HB 461
 Kentucky Commission on Proprietary Education, advertising and recruitment, requirements for - HB 308
 New motor vehicles, defects, repairs to - HB 347
 Roof repair, contracts, cancellation of - HB 421
 Trust, administration of - HB 155

Contracts

Department of Public Advocacy, personal service, use of - HB 378
 Public agency, determination of - HB 496
 Real estate, private transfer fees, prohibition of - HB 533
 Roof repair, cancellation rights, notice of - HB 421

Cooperatives

Agricultural cooperatives, limited cooperative associations, authorization for - HB 441

Corporations

Business entities, provisions for - HB 341
 trusts, formation and governance of - HB 341
 Home medical equipment and services providers, licensure of - HB 282
 Limited cooperative associations, limited liability tax, nonexemption for - HB 441
 Officers, delinquency, tax liability for - HB 499

Corrections and Correctional Facilities, State

Involuntary commitment, discharge or escape, notification about - HB 54
 Probate fees, estate, officer killed in line of duty, exemption for - HB 71

Counties

Ambulance service taxing districts, board members, number of - SB 91
 Business, taxation, standardized forms for - HB 277
 Charter county commission, appointments to - HB 189
 Clerks, deeds in lieu of foreclosure, requirements for - HB 62
 Electricians, inspection and licensure, study of - HB 215
 Emergency, interstate mutual aid agreement, authorization for - SB 55
 Firearm, ordinance, limit on - HB 500
 Firefighters, totally disabled, insurance payments to - HB 324
 Jails, unclaimed inmate and canteen accounts, disposition of - SB 90
 Kentucky Business Investment program, occupational license fee, alternative to - HB 56
 Local referendum, petitions, requirements for - SB 123
 Ordinances, residential care facilities, licensing of - HB 122
 Planning and zoning, board of zoning adjustment, creation of - HB 123
 Redistricting, precinct boundaries, statewide plan for - HB 1
 Special Districts, Interim Joint Committee on Local Government, study by - HCR 53

Counties, Urban

Firearm, ordinance, limit on - HB 500
 Local referendum, petitions, requirements for - SB 123
 Ordinances, residential care facilities, licensing of - HB 122

County Clerks

Charter county government, petition for - HB 189
 Congress, districts, filing deadline for - HB 2
 County surveyor, requirement for - SB 178
 Deeds in lieu of foreclosure, requirements for - HB 62
 Fees, United States liens, fee distribution of - SB 97
 Filing deadline for congressional candidates, extension for - HB 302
 General Assembly, special election, location for - HB 293
 Limited cooperative associations, county clerk, filings with - HB 441
 Local referendum, petitions, requirements for - SB 123
 Property tax, certificates of delinquency, copying fees, authorization for - HB 545
 tax, certificates of delinquency, sale process for - HB 545
 Redistricting, precinct boundaries, statewide plan for - HB 1
 United States liens, recording, fees of - SB 97
 Vehicle plate to customer system, effective date for - HB 371

County Judge/Executives

Waste Tire Working Group, membership of - HB 518

Court, Supreme

Judicial Branch Budget - HB 269
Redistricting, districts, statewide plan for - HB 1

Courts

Involuntary commitment, discharge or escape, notification about - HB 54
Judicial Branch Budget - HB 269
Real estate, sale under judicial process, appraisal of - HB 23
State custody, youth, extension for - SB 213
Unified Juvenile Code, review, task force for - HCR 129

Courts, Circuit

Foreclosure sale, expedited procedure for - HB 396
Judicial Branch Budget - HB 269
Real estate, sale under judicial process, appraisal of - HB 23

Courts, District

Judicial Branch Budget - HB 269
State custody, youth, extension for - SB 213

Courts, Family

Judicial Branch Budget - HB 269
State custody, youth, extension for - SB 213

Courts, Fiscal

Fire departments, fees, sheriff, percentage retention by - HB 232
Unified Juvenile Code, review, task force for - HCR 129

Crime Victims

Abused child, definition of - HB 519
Involuntary commitment, discharge or escape, notification about - HB 54

Crimes and Punishments

Acquiring metals, unlawful acts, penalties for - HB 390
Child abuse, duty to report, requirement for - HB 519
Concealed deadly weapon, license, exception for - HB 484
Deeds in lieu of foreclosure, requirements, penalty for violation of - HB 62
Defrauding secured creditor, damage to collateral, violation for - HB 396

Diabetes educator, license requirement, penalty for violation of - SB 198

Emergency room, arrest in - SB 58

Fraudulent firearm transaction, penalty for - HB 563

Home medical equipment services licensure, penalty for violation of - HB 282

Kentucky Blue Alert Network, creation of - SB 32

Long-term

care administrator, standards, violation of - HB 294

care administrators, standards, violation of - SB 82

Pseudoephedrine-based drugs, provisions for - SB 3

Slayer statute, real estate professional's advice, relation to - HB 409

Synthetic drugs, trafficking or possessing, penalties for - HB 481

Traffic safety program, operation of - HB 480

Unified Juvenile Code, review, task force for - HCR 129

Wild hog, release, prohibition against - HB 344

Criminal Procedure

Child abuse, duty to report, requirement for - HB 519

Concealed deadly weapon, license, exception for - HB 484

Defrauding secured creditor, damage to collateral, violation for - HB 396

Emergency room, arrest in - SB 58

Fraudulent firearm transaction, penalty for - HB 563

Pseudoephedrine-based drugs, provisions for - SB 3

Slayer statute, real estate professional's advice, relation to - HB 409

Synthetic drugs, trafficking or possessing, penalties for - HB 481

Traffic safety program, operation of - HB 480

Unified Juvenile Code, review, task force for - HCR 129

Wild hog, release, prohibition against - HB 344

Dairying and Milk Marketing

Limited cooperative associations, referendums, assessment collection for - HB 441

Deaths

Funeral directors and embalmers, courtesy cards, standards for - SB 163

Deeds and Conveyances

Condominiums, certificates of sale for - HB 433

Private transfer fees, prohibition, remedies for - HB 533

Trust, administration of - HB 155

Disabilities and the Disabled

Firefighters, insurance payments to - HB 324

High school, alternative diploma, establishment of - SB 43

Home medical equipment and services providers, licensure of - HB 282

General Assembly Action 2012 Regular Session

IMPACT Plus, criteria for - HB 294
 Intellectual disability, term, statutes, use of - HB 485
 Learning disability, identification, federal law, conformity with - HB 69
 Long-term
 care administrator, licensing of - SB 82
 care administrators, licensing of - HB 294
 Oral health, preventive care, nursing homes, pilot program in - HB 510
 Personal-care homes, qualified mental health professionals, assessment by - SB 115
 Residential care facilities, licensing, ordinances for - HB 122
 Stroke, response and treatment, statewide system for - HB 467
 Trust, administration of - HB 155

Disasters

Building materials, sales tax, refund of - HB 255
 Child-care home, written evacuation plan, requirement for - HB 449
 Emergency, interstate mutual aid agreement, authorization for - SB 55
 State fire and tornado fund, self-insured retention, ceiling, amount of - HB 351

Diseases

Diabetes, educators, licensing of - SB 198

Distilled Spirits

Restaurants, retail drink license, requirements for - SB 40

Domestic Relations

Divorce, electronic forms, requirement for - SB 57

Drugs and Medicines

Electronic prescriptions, standards for - SB 144
 Pseudoephedrine-based drugs, provisions for - SB 3
 Synthetic drugs, trafficking or possessing, penalties for - HB 481
 Synthetic, illegal trafficking or possessing, penalties for - HB 481
 Testing, employment, miner, requirement for - HB 385

Economic Development

Agritourism, promotion of - HB 440
 Brownfields Redevelopment Program, establishment of - HB 465
 Jobs retention projects, eligibility for - HB 400
 Kentucky Business Investment program, occupational license fee, alternative to - HB 56

Metropolitan College, tax credit, sunset date for - HB 246
 Revitalization projects, supplemental projects for - HB 539

Education, Elementary and Secondary

Alternative program, staff, discipline, prohibition of - HB 168
 Calendar, disaster, allowance for - HB 255
 Childhood assessment and intervention, implementation of - HB 69
 Coaches, sports safety course, concussion and head injury, training about - HB 281
 Districts of innovation, authorization of - HB 37
 Governor's Scholars Program, Education and Workforce Development Cabinet, transfer to - HB 278
 Middle school, interscholastic athletics, study of - HCR 155
 Outdoor play, childhood development, expanded opportunities for - HCR 29
 Programs, career and technical for - SB 38
 School property, recreational use, immunity for - SB 110
 School, entrance age for - SB 24
 Students with disabilities, alternative diploma for - SB 43
 Summer learning camps, establishment and purposes of - SB 95
 Superintendent, spouse, nepotism, exemption from - HB 366
 Unified Juvenile Code, review, task force for - HCR 129

Education, Finance

Asset Resolution Corporation, creation of - HB 362
 State/Executive Branch Budget - HB 265
 Summer learnings camps, funds for - SB 95
 Taxing district, business, standardized forms for - HB 277

Education, Higher

Asset Resolution Corporation, creation of - HB 362
 Comprehensive universities, advanced practice doctoral programs, number of - SB 131
 Metropolitan College, tax credit, sunset date for - HB 246
 Programs, career and technical for - SB 38
 Proprietary education, Kentucky Commission on Proprietary Education, creation of - HB 308

Education, Vocational

Career and technical, programs for - SB 38

Effective Dates, Delayed

Charter county government, requirements for, January 1, 2012 - HB 189
 Divorce, electronic forms, January 1, 2013 - SB 57

Insurance,
omnibus changes for, July 15, 2014 - HB 295
omnibus revisions to - HB 295
Motor vehicles, titles, dealer assignments, requirements
for - HB 511
Uniform Commercial Code, Article 9, update of, July 1,
2013 - SB 97
Vehicle plate to customer system, January 1, 2014 - HB
371

Effective Dates, Emergency

Biennial Highway Construction Plan, FY 2012-2014 -
HB 267
Career and technical education, programs for - SB 38
Coaches, sports safety course, concussion and head
injury, training about - HB 281
Commonwealth, claims, appropriation for - HB 383
Condominiums, certificates of sale for - HB 433
Congress,
districts, filing deadline for - HB 2
redistricting, statewide plan for - HB 302
Congressional filing, extension of - HB 302
Motorless vehicles, alternative lighting and marking,
requirements for - SB 75
Real estate, private transfer fees, prohibition of - HB 533
Redistricting, statewide plan for - HB 1
Sales tax, disaster, building materials, refund for - HB
255
Schools, calendar, disaster, allowance for - HB 255
Summer learning camps, establishment of - SB 95
Synthetic drugs, trafficking or possessing, penalties for -
HB 481
Taxation qualified air freight forwarder, clarification of -
HB 444
Taxation, delinquency, amnesty for - HB 499
Unemployment compensation, federal unemployment
loans, interest, payment on - HB 495

Elections and Voting

Campaign finance reports, electronic filing, requirement
for - HB 90
Charter county government, requirements for - HB 189
Congress, districts, filing deadline for - HB 2
Council and mayoral positions, minimum age for - HB
112
Filing deadline, congressional candidates, extension for
- HB 302
General Assembly, special election, location for - HB
293
Local referendum, petitions, requirements for - SB 123
Redistricting, statewide plan for - HB 1

Electricians

Inspection and licensure, study of - HB 215

Embalmers and Funeral Directors

Continuing education, requirements for - HB 429
Courtesy cards, standards for - SB 163

Emergency Medical Services

County ambulance service taxing districts, board
members, number of - SB 91
Stroke, response and treatment, statewide system for -
HB 467

Energy

404 mitigation, straight pipes and sewer, Energy and
Environment Cabinet, study by - HJR 11
Assistance trust fund, distribution of - HB 276
Coal truck drivers, commemoration, designated day for -
HB 411
Facilities, underground, protection of - SB 152
Limited cooperative associations, establishment of - HB
441
Nuclear-based technologies, processing of - HB 559
Pipeline safety, civil penalties, change of - HB 148
State/Executive Branch Budget - HB 265
Utilities interest rates, determination of - HB 399

Engineers and Surveyors

County surveyor, requirement for - SB 178

Environment and Conservation

404 mitigation, straight pipe and sewer projects, use for
- HJR 11
Brownfields Redevelopment Program, establishment of
- HB 465
Nuclear-based technologies, processing of - HB 559
Outdoor sports and recreational activities, children,
recommendation for - HCR 29
State/Executive Branch Budget - HB 265
Waste Tire Working Group, membership of - HB 518
Wild hog, release, prohibition against - HB 344

Ethics

Executive Branch Ethics Commission, information,
sharing of - HB 402

Fees

Boiler external piping inspectors, licensing fee for - HB
358
Cosmetologists, threading, permit fees for - HB 311
Fire departments, sheriff, retention by - HB 232
Long-term
care administrator, licensing of - SB 82
care administrators, licensing of - HB 294

General Assembly Action 2012 Regular Session

Medical imaging and radiation therapy board, licensing, requirement for - HB 137
 Probate, estate, officer killed in line of duty, exemption for - HB 71
 Real estate, private transfer fees, prohibition of - HB 533
 Traffic safety program, operation of - HB 480

Fiduciaries

Estates, informal periodic settlement of - HB 156
 Trust, administration of - HB 155

Financial Responsibility

Refunding transactions, direct deposit of proceeds from - HB 50

Fire Prevention

Sprinkler systems, requirements for - HB 461

Firearms and Weapons

Concealed deadly weapon, license, exception for - HB 484
 Fraudulent transaction, penalty for - HB 563
 Law Enforcement Officer Safety Act, update to - HB 72
 Local government, ordinance, limit on - HB 500
 Retired Commonwealth's or county attorney, concealed deadly weapons statewide, authorization for - HB 171

Firefighters and Fire Departments

Fees, sheriff, retention by - HB 232
 Probate fees, estate, exemption for - HB 71
 Totally disabled, insurance payments to - HB 324

Fish and Wildlife

404 mitigation, straight pipe and sewer projects, use for - HJR 11
 Outdoor sports and recreational activities, children, recommendation for - HCR 29
 Personal watercraft, inland navigation rules, citation for - HB 93
 State/Executive Branch Budget - HB 265
 Wild hog, release, prohibition against - HB 344

Foods

Nutrition, Legislative Research Commission, study by - HB 550

Forests and Forestry

Children's Outdoor Bill of Rights, recommendation for - HCR 29

Timber harvesting, underground facilities, damage to - SB 152
 Wild hog, release, prohibition against - HB 344

Fuel

404 mitigation, straight pipe and sewer projects, report on - HJR 11
 Petroleum storage tank release, brownfields, nonliability status, criteria for - HB 465
 Pipeline safety, civil penalties, change of - HB 148

Gambling

Quarter horse, appaloosa, and Arabian horse racing, requirements for - HB 353

General Assembly

Children's Outdoor Bill of Rights, recommendation for - HCR 29
 Judicial Form Retirement System, board, operation of - HB 300
 Kentucky Public Pensions Taskforce, establishment of - HCR 162
 Legislative Branch Budget - HB 268
 Redistricting, legislative districts, statewide plan for - HB 1
 Special election, location for - HB 293

Governor

State/Executive Branch Budget - HB 265
 Statewide strategic planning committee for children in placement, report by - HB 294

Guardians

Trust, administration of - HB 155

Hazardous Materials

Hazardous substances, brownfields, nonliability status, criteria for - HB 465

Health and Medical Services

Ambulatory surgical center, definition of - HB 458
 Continuing care retirement communities, residents, services to - HB 388
 County ambulance service taxing districts, board members, number of - SB 91
 Diabetes educators, licensing of - SB 198
 Electronic prescriptions, standards for - SB 144
 Home medical equipment and services providers, licensure of - HB 282
 IMPACT Plus, criteria for - HB 294
 Intellectual disability, term, statutes, use of - HB 485

Long-term care administrators, licensing of - SB 82; HB 294
 Medical imaging technologists and radiation therapists, regulation of - HB 137
 Oral care, preventive care, nursing homes, pilot program in - HB 510
 Personal-care homes, qualified mental health professionals, assessment by - SB 115
 Pharmacy audits, requirements for - HB 349
 Prescription drugs, step therapy or fail-first protocol, limitation of - SB 114
 Reorganization, Cabinet for Health and Family Services, Executive Order 2011-353 - HB 294
 Residential care facilities, licensing, ordinances for - HB 122
 Stroke, response and treatment, statewide system for - HB 467

Highways, Streets, and Bridges

Biennial Highway Construction Plan, FY 2012-2014 - HB 267
 Interstate 69, 70 MPH speed limit - HB 439
 Kentucky Blue Alert Network, creation of - SB 32
 Motorless vehicles, alternative lighting and marking, requirements for - SB 75
 Road naming, omnibus resolution for - HJR 23
 Six year road plan, last four years of - HJR 77
 Steel haul permits, allowable distances for - HB 509

Home Rule

Business, taxation, standardized forms for - HB 277

Homeland Security

State/Executive Branch Budget - HB 265

Hospitals and Nursing Homes

Ambulatory surgical center, requirements for - HB 458
 Continuing care retirement communities, residents, services to - HB 388
 Emergency room, arrest in - SB 58
 Home medical equipment and services provider licensure, exemptions from - HB 282
 Oral health, preventive care, pilot program in - HB 510
 State/Executive Branch Budget - HB 265

Hotels and Motels

Bed and breakfast establishments, definition of - HB 128

Housing, Building, and Construction

Boiler external piping inspectors, licensing of - HB 358
 Electricians, inspection and licensure, study of - HB 215
 Fire protection, sprinkler systems, requirements for - HB 461

Roof repair, contracts for, cancellation of - HB 421
 State/Executive Branch Budget - HB 265

Inspections

Boiler external piping, requirement for - HB 358
 Electricians, study of - HB 215
 Home medical equipment and services providers, inspection, inclusion of - HB 282
 Pharmacies, audits, requirements for - HB 349

Insurance

Adjuster, financial responsibility for - HB 295
 Casualty and property insurance, credit history, cancellation for - HB 497
 Commercial property and casualty, loss run statement, provision of - HB 207
 Credit history, insurers, use by - HB 497
 Exempt commercial purchaser, definition of - HB 295
 Group
 life insurance, cost, insured contribution to - HB 497
 life insurance, dependent definition of - HB 497
 Health, prescription drug, step therapy or fail-first protocol, limitation of - SB 114
 Home medical equipment providers, Health care provider or provider definition, inclusion of - HB 282
 Industrial insured captive insurer, insurance code subtitles, subject to - HB 295
 Insurers bond, requirements for - HB 295
 Insurers,
 certificate of authority, expiration date for - HB 295
 certificate of authority, reinstatement, fine for - HB 295
 financial statement, requirements for - HB 295
 Licensed consultant, bond, requirements for - HB 295
 Life settlement provider, financial responsibility, requirements for - HB 295
 Limited lines, travel insurance, requirements for - HB 392
 Motor vehicle repairation benefits, reimbursement for - HB 42
 NAIC, Holding Company Act updates, adoption of - HB 295
 Nonadmitted insurer, requirements for - HB 295
 Portable electronics, retailer licensure, requirements for - HB 392
 Premium, surcharge increase, delayed effective date of - HB 338
 Roof repair, cancellation rights, notice of - HB 421
 State fire and tornado fund, self-insured retention, ceiling, amount of - HB 351
 Surplus
 lines, bond termination, requirements, deletion of - HB 295
 lines, capital and surplus amount, requirements for - HB 295
 Total disability, firefighters, payments to - HB 324
 Unclaimed life benefits, escheat of - HB 135
 Unemployment, federal unemployment loans, interest, payment on - HB 495

General Assembly Action 2012 Regular Session

Insurance, Health

Actual charges, definition of - HB 497
 Ambulatory surgical center, requirements for - HB 458
 Home medical equipment providers, Health care provider or provider definition, inclusion of - HB 282
 Medicaid, pharmacies, audits of - HB 349
 Motor vehicle repair benefits, benefit plan, reimbursement to - HB 42
 Prescription drugs, step therapy or fail-first protocol, limitation of - SB 114

Insurance, Motor Vehicle

Cancellation, inquiry, prohibition based on - HB 497
 Claimant, repair facility, choice of - HB 207
 Reparation benefits, personal injury, reimbursement for - HB 42

Interstate Cooperation

Emergency, interstate mutual aid agreement, authorization for - SB 55

Jails and Jailers

State/Executive Branch Budget - HB 265
 Unclaimed inmate and canteen accounts, disposition of - SB 90

Judges and Court Commissioners

County ambulance service taxing districts, board members, number of - SB 91
 Involuntary commitment, discharge or escape, notification about - HB 54
 Judicial Branch Budget - HB 269
 Form Retirement System, board, operation of - HB 300

Judicial Circuits

Family divisions, public advocacy, local office of - HB 378
 Judicial Branch Budget - HB 269

Judicial Districts

Judicial Branch Budget - HB 269

Justices of the Peace and Magistrates

Waste Tire Working Group, membership of - HB 518

Labor and Industry

State/Executive Branch Budget - HB 265

Unemployment compensation, federal unemployment loans, interest, payment on - HB 495

Land Use

Boards of zoning adjustment, creation of - HB 123
 Brownfields Redevelopment Program, establishment of - HB 465
 Residential care facilities, licensing, ordinances for - HB 122
 Wild hog, release, prohibition against - HB 344

Legislative Research Commission

404 mitigation, straight pipes and sewer, Energy and Environment Cabinet, report from - HJR 11
 Administrative regulations, drafting process, procedures for - SB 157
 Electricians, Department of Housing, Buildings, and Construction, report from - HB 215
 Interim Joint Committee on Local Government, special districts, study of - HCR 53
 Legislative Branch Budget - HB 268
 Nutrition, study of - HB 550
 Statewide strategic planning committee for children in placement, report by - HB 294
 Task Force on Kentucky Public Pensions, establishment of - HCR 162
 Task Force on Middle School Athletics, establishment of - HCR 155
 Task Force on Student Access to Technology, establishment of - SB 95
 Task Force on the Unified Juvenile Code, establishment of - HCR 129

Licensing

Ambulatory surgical center, requirements for - HB 458
 Beauty salon, licensing of - HB 311
 Boiler external piping inspectors, requirements for - HB 358
 Concealed deadly weapon, exception for - HB 484
 Cosmetologists, licensing of - HB 311
 Cosmetology school, licensing of - HB 311
 County surveyor, requirement for - SB 178
 Diabetes educators, requirements for - SB 198
 Electricians, study of - HB 215
 Embalmers and funeral directors, continuing education, requirements for - HB 429
 Estheticians, licensing of - HB 311
 requirements for - HB 311
 Funeral directors and embalmers, courtesy cards, standards for or - SB 163
 Geologists, licensing of - SB 162
 Home medical equipment and services providers, licensure of - HB 282
 Licensees, Department of Revenue, information sharing with - HB 499
 Long-term care administrator, requirement for - SB 82; HB 294

Medical imaging technologists and radiation therapists, regulation of - HB 137
 Nail technician, licensing of - HB 311
 Proprietary education, Kentucky Commission on Proprietary Education, creation of - HB 308
 Qualified historic sites, requirements for - SB 40
 Real estate education, research, and recovery fund, purposes of - HB 425
 Residential care facilities, licensing, ordinances for - HB 122
 Retail drink license, food sales, requirements for - SB 40
 RV park permit, local exemption from - HB 123
 Stockyards and buying stations, regulation of - SB 92

Liens

Foreclosure sale, expedited procedure for - HB 396
 Motor vehicles, retail installment contracts, requirements for - HB 417
 Secretary of State, tax lien database, requirements for - SB 97
 Trust, administration of - HB 155
 United States, recording, fees for - SB 97

Lieutenant Governor

State/Executive Branch Budget - HB 265

Local Government

Business, taxation, standardized forms for - HB 277
 Charter county government, petition for - HB 189
 Council and mayoral positions, minimum age for - HB 112
 County
 ambulance service taxing districts, board members, number of - SB 91
 jails, unclaimed inmate and canteen accounts, disposition of - SB 90
 Electricians, inspection and licensure, study of - HB 215
 Emergency, interstate mutual aid agreement, authorization for - SB 55
 Evacuation plan, child-care home, submission by - HB 449
 Firefighters, totally disabled, insurance payments to - HB 324
 Hurstbourne Acres, reclassification of - HB 287
 Kentucky Business Investment program, occupational license fee, alternative to - HB 56
 Local referendum, petitions, requirements for - SB 123
 Ordinances, residential care facilities, licensing of - HB 122
 Planning and zoning, board of zoning adjustment, creation of - HB 123
 Special Districts, Interim Joint Committee on Local Government, study by - HCR 53
 State/Executive Branch Budget - HB 265
 Water districts, rates, collection of - SB 150

Medicaid

Ambulatory surgical center, requirements for - HB 458
 IMPACT Plus, criteria for - HB 294
 Oral health, preventive care, nursing homes, pilot program in - HB 510
 Pharmacies, audits, requirements for - HB 349
 Reorganization, Cabinet for Health and Family Services, Executive Order 2011-353 - HB 294
 State/Executive Branch Budget - HB 265

Memorials

Iraq/Afghanistan War Memorial, establishment of - HB 256
 Road naming, omnibus resolution for - HJR 23

Mental Disability

IMPACT Plus, criteria for - HB 294
 Personal-care homes, qualified mental health professionals, assessment by - SB 115
 Residential care facilities, licensing, ordinances for - HB 122

Mental Health

Involuntary commitment, discharge or escape, notification about - HB 54
 Personal-care homes, qualified mental health professionals, assessment by - SB 115
 State/Executive Branch Budget - HB 265

Military Affairs and Civil Defense

Iraq/Afghanistan War Memorial, establishment of - HB 256
 Kentucky
 Blue Alert Network, creation of - SB 32
 National Guard Adoption Assistance Program, establishment of - HB 224
 Military family assistance trust fund, board of directors, membership of - HB 379
 Prisoner of War and Missing in Action flag, definition of - HB 121
 Probate fees, estate, soldier killed in line of duty, exemption for - HB 71
 State/Executive Branch Budget - HB 265

Minerals and Mining

404 mitigation, straight pipe and sewer projects, use for and report on - HJR 11
 Coal truck drivers, commemoration, designated day for - HB 411
 Drug or alcohol test, miner, requirement for - HB 385
 Geologists, licensing of - SB 162

Motor Carriers

Steel haul permits, allowable distances for - HB 509
Transportation Cabinet, certificate of authority, legal notice for - SB 160

Motor Vehicles

Instruction permit holder, 21 year old passenger requirement, exemption from - SB 124
Insurance, repair facility, choice of - HB 207
KAVIS, registration and titling, effective date for - HB 371
Motorcycle instruction permits, eligibility for - HB 328
New motor vehicles, defects, repairs to - HB 347
Reparation benefits, personal injury, reimbursement for - HB 42
Repossessed vehicles, reporting and procedures, effective date for - HB 371
Retail installment contracts, terms and interest, computation of - HB 417
RV park permit, local exemption from - HB 123
Seat belts, 15-passenger vans, requirements for - SB 89
Speed limits, Interstate 69, 70 MPH - HB 439
Titles,
dealer assignments, requirements for - HB 511
recording, requirements for - HB 511
Vehicle plate to customer system, effective date for - HB 371

News Media

Kentucky Blue Alert Network, creation of - SB 32

Notices

Estate, trust, notice of - HB 155
Kentucky Blue Alert Network, creation of - SB 32
Transportation Cabinet, certificate of authority, legal notice for - SB 160

Nuclear Energy

Nuclear-based technologies, processing of - HB 559

Nuisances

Wild hog, release, prohibition against - HB 344

Nurses

Electronic prescriptions, standards for - SB 144
Emergency room, arrest in - SB 58
Long-term
care administrator, licensing of - SB 82
care administrators, licensing of - HB 294

Occupational Safety and Health

Boiler external piping, inspection of - HB 358

Occupations and Professions

Boiler external piping inspectors, licensing of - HB 358
Cosmetologists, licensing of - HB 311
Diabetes educators, licensing of - SB 198
Electricians, inspection and licensure, study of - HB 215
Embalmers and funeral directors, continuing education, requirements for - HB 429
Funeral directors and embalmers, courtesy cards, standards for - SB 163
Geologists, licensing of - SB 162
Home medical equipment and services providers, licensure of - HB 282
Long-term care administrators, licensing of - HB 294
Medical imaging technologists and radiation therapists, regulation of - HB 137
Nail technicians, licensing of - HB 311
Proprietary education, Kentucky Commission on Proprietary Education, creation of - HB 308
Real estate education, research, and recovery fund, purposes of - HB 425

Oil and Natural Gas

Facilities, underground, protection of - SB 152
Petroleum storage tank release, brownfields, nonliability status, criteria for - HB 465
Pipeline safety, civil penalties, change of - HB 148

Parental Rights

Child-care home, evacuation plan, requirement for - HB 449

Parks and Shrines

Parks, outdoor sports and activities children, expanded access for - HCR 29

Partnerships

Business
entities, provisions for - HB 341
trusts, formation and governance of - HB 341
Taxation, delinquency, amnesty for - HB 499

Peace Officers and Law Enforcement

Arrest, emergency room, permit in - SB 58
Child abuse, duty to report, requirement for - HB 519
Kentucky
Blue Alert Network, creation of - SB 32
Law Enforcement Foundation Prog. Fund, salary supplement, military service, receipt during - HB 369
Law Enforcement Officer Safety Act, update to - HB 72

Personal watercraft, inland navigation rules, citation for - HB 93
 Probate fees, estate, exemption for - HB 71
 Traffic safety programs, operation of - HB 480

Personnel and Employment

Executive Branch Ethics Commission, information, sharing of - HB 402
 Reorganization, Personnel Cabinet, Executive Order 2011-352 - HB 203
 Unemployment compensation, federal interest, payment on - HB 495

Pharmacists

Audits, requirements for - HB 349
 Electronic prescriptions, standards for - SB 144
 Home medical equipment and services provider licensure, exemptions from - HB 282
 Pseudoephedrine-based drugs, provisions for - SB 3

Physicians and Practitioners

Ambulatory surgical center, requirements for - HB 458
 Electronic prescriptions, standards for - SB 144
 Emergency room, arrest in - SB 58
 Home medical equipment and services, medical order of, requirement for - HB 282
 IMPACT Plus, criteria for - HB 294
 Long-term care administrator, licensing of - SB 82
 care administrators, licensing of - HB 294
 Medical imaging technologists and radiation therapists, regulation of - HB 137
 Oral health, preventive care, nursing homes, pilot program in - HB 510
 Pseudoephedrine-based drugs, provisions for - SB 3

Planning and Zoning

Boards of zoning adjustment, creation of - HB 123

Police, City and County

Arrest, emergency room, permit in - SB 58
 Kentucky Blue Alert Network, creation of - SB 32
 Law Enforcement Foundation Prog. Fund, salary supplement, military service, receipt during - HB 369
 Law Enforcement Officer Safety Act, update to - HB 72
 Restricted metals, purchasing, reporting of - HB 390

Police, State

Arrest, emergency room, permit in - SB 58
 Kentucky Blue Alert Network, creation of - SB 32
 Law Enforcement Officer Safety Act, update to - HB 72

Secondary metals recyclers, name-based background checks for - HB 390
 State/Executive Branch Budget - HB 265

Pollution

404 mitigation, straight pipe and sewer projects, use for - HJR 11
 Brownfields Redevelopment Program, standards for - HB 465

Popular Names and Short Titles

Kentucky Uniform Limited Cooperative Association Act - HB 441
 Trooper Jonathan K. Leonard Kentucky Blue Alert System Act - SB 32

Probation and Parole

State/Executive Branch Budget - HB 265

Property

Concealed deadly weapon, license, exception for - HB 484
 Condominiums, certificates of sale for - HB 433
 Deeds in lieu of foreclosure, requirements for - HB 62
 Foreclosure sale, expedited procedure for - HB 396
 Restricted metals, payment methods for - HB 390
 Trust, administration of - HB 155
 Valuation, assessment methods for - HB 398

Property Valuation Administrators

Assessments, methods for - HB 398
 tract development, standards for - HB 398
 Condominiums, unit joinder of - HB 433

Prosecutors

State/Executive Branch Budget - HB 265
 Unified Juvenile Code, review, task force for - HCR 129

Public Advocate

Appointing authority, designation as - HB 378
 Division of Conflict Services, creation of - HB 378
 General counsel, duties of - HB 378
 State/Executive Branch Budget - HB 265
 Unified Juvenile Code, review, task force for - HCR 129

Public Assistance

Low-income households, energy and weatherization, assistance services for - HB 276

Public Authorities

Firearm, restriction, limit on - HB 500
Open records, agency, application of - HB 496

Public Buildings and Grounds

Fire and tornado fund, self-insured retention, ceiling, amount of - HB 351
POW/MIA flag, manufacture, requirement for - HB 121
State/Executive Branch Budget - HB 265

Public Health

Ambulatory surgical center, requirements for - HB 458
Home medical equipment and services providers, licensure of - HB 282
Nutrition, Legislative Research Commission, study by - HB 550
Oral health, preventive care, nursing homes, pilot program in - HB 510
Stroke, response and treatment, statewide system for - HB 467

Public Medical Assistance

Ambulatory surgical center, requirements for - HB 458
IMPACT Plus, criteria for - HB 294
Personal-care homes, qualified mental health professionals, assessment by - SB 115
Pharmacies, audits, requirements for - HB 349

Public Officers and Employees

Council and mayoral positions, minimum age for - HB 112
Kentucky Public Pensions Taskforce, establishment of - HCR 162
Probate fees, estate, exemption for - HB 71
Retirement, closed pension plans, COLA for - HB 502
School, superintendent, spouse, nepotism, exemption from - HB 366
State/Executive Branch Budget - HB 265
State-administered retirement systems, boards, operation of - HB 300

Public Records and Reports

Public agency, determination of - HB 496
Real estate, sale under judicial process, appraisal of - HB 23
State/Executive Branch Budget - HB 265
Vital statistics, divorce, electronic forms, requirement for - SB 57

Public Safety

Emergency, interstate mutual aid agreement, authorization for - SB 55

Involuntary commitment, discharge or escape, notification about - HB 54
Personal watercraft, inland navigation rules, citation for - HB 93
Secondary metals recyclers, registration of - HB 390

Public Salaries

Kentucky Law Enforcement Foundation Prog. Fund, salary supplement, military service, receipt during - HB 369
State/Executive Branch Budget - HB 265

Public Utilities

Facilities, underground, protection of - SB 152
Nuclear-based technologies, processing of - HB 559
Pipeline safety, Public Service Commission, civil penalties, change of - HB 148
Public Service Commission, interest rates, determination of - HB 399
State/Executive Branch Budget - HB 265
Water districts, rates, collection of - SB 150

Public Works

Pipeline safety, Public Service Commission, civil penalties, change of - HB 148

Purchasing

Contracts, open records, exclusion from - HB 496
POW/MIA flag, public institution, manufacture, requirement for - HB 121

Racing

Kentucky quarter horse, appaloosa, and Arabian purse fund, oversight of - HB 353

Real Estate

Concealed deadly weapon, license, exception for - HB 484
Condominiums, certificates of sale for - HB 433
Contracts, roof repair, cancellation of - HB 421
Deeds in lieu of foreclosure, requirements for - HB 62
Foreclosure sale, expedited procedure for - HB 396
Judicial sales, appraisal of land offered for sale - HB 23
Private transfer fees, prohibition, remedies for - HB 533
Real estate education, research, and recovery fund, purposes of - HB 425
School property, recreational use, immunity for - SB 110
Slayer statute, professional's advice, relation to - HB 409

Redistricting

Congress, statewide plan for - HB 302
 Congressional candidates, filing deadline, extension for
 - HB 302
 General Assembly, statewide plan for - HB 1

Reorganization

Auditor of Public Accounts, APA Executive Order 11-01
 - HB 348
 Cabinet for Health and Family Services, Executive
 Order 2011-353 - HB 294
 Finance and Administration Cabinet, Executive Order
 2011-354 - HB 276
 Governor's Scholars Program, Executive Order 2011-
 355 - HB 278
 Personnel Cabinet, Executive Order 2011-352 - HB 203

Retirement and Pensions

Confederate pensions, repeal of - HB 85
 Kentucky Public Pensions Taskforce, establishment of -
 HCR 162
 Law Enforcement Officer Safety Act, update to - HB 72
 Policemen's and Firefighters' Retirement fund, retirees,
 COLA for - HB 502
 Retired Commonwealth's or county attorney, concealed
 deadly weapons statewide, authorization for - HB 171
 State/Executive Branch Budget - HB 265
 State-administered
 retirement systems, boards, operation of - HB 300
 retirement systems, conflicts of interest, requirements
 for - HB 300
 retirement systems, state auditor, audit, requirement for
 - HB 300
 retirement systems, unregulated placement agents, ban
 on - HB 300

Safety

Boiler external piping, inspection of - HB 358
 Drug or alcohol test, miner, requirement for - HB 385
 Electricians, inspection and licensure, study of - HB 215
 Fire protection, sprinkler systems, requirements for - HB
 461

Sales

Home medical equipment and services providers,
 licensure of - HB 282
 Real estate, sale under judicial process, appraisal of -
 HB 23
 Slayer statute, real estate professional's advice, relation
 to - HB 409

Science and Technology

Geologists, licensing of - SB 162

Secretary of State

Ballot positions and certifications, congressional
 elections - HB 302
 Business
 entities, provisions for - HB 341
 trusts, formation and governance of - HB 341
 Business, local taxation, standardized forms, creation of
 - HB 277
 Congress, ballot positions, determination of - HB 2
 Federal liens, index and record, requirements for - SB
 97
 Redistricting, statewide plan for - HB 1
 State/Executive Branch Budget - HB 265
 Tax liens, database, requirements for - SB 97

Securities

Trust, administration of - HB 155

Sewer Systems

Water districts, rates, collection of - SB 150

Sheriffs

Arrest, emergency room, permit in - SB 58
 Fire departments, fees, retention by - HB 232
 General Assembly, special election, notice of - HB 293
 Kentucky
 Blue Alert Network, creation of - SB 32
 Law Enforcement Foundation Prog. Fund, salary
 supplement, military service, receipt during - HB 369
 Law Enforcement Officer Safety Act, update to - HB 72
 Real estate, sale under judicial process, appraisal of -
 HB 23
 Restricted metals, purchasing, reporting of - HB 390

Small Business

Agritourism, promotion of - HB 440
 Bed
 and breakfast establishments, definition of - HB 128
 and breakfast, innkeeper residence, requirement for -
 HB 128
 Cosmetologists, licensing of - HB 311
 Estheticians, licensing of - HB 311
 Home medical equipment and services providers,
 licensure of - HB 282
 Restaurants, retail drink license, requirements for - SB
 40

Special Districts

County ambulance service taxing districts, board
 members, number of - SB 91
 Firearm, ordinance, limit on - HB 500
 General Assembly, Interim Joint Committee on Local
 Government, study for - HCR 53

General Assembly Action 2012 Regular Session

Local referendum, petitions, requirements for - SB 123

State Agencies

Administrative regulations, drafting process, procedures for - SB 157

Auditor of Public Accounts, APA Executive Order 11-01 - HB 348

Board

of Education, coaches, training requirements for - HB 281

of Pharmacy, home medical equipment and services, regulation of - HB 282

Cabinet

for Health & Family Services, personal-care homes, pre-admission assessment, reimbursement - SB 115
for Health and Family Services, children, out-of-home care, processes for - HB 294

for Health and Family Services, Executive Order 2011-353 - HB 294

for Health and Family Services, Medicaid, IMPACT Plus, criteria for - HB 294

for Health and Family Services, state custody, youth, extension for - SB 213

Council on Postsecondary Education, advanced practice doctoral programs, approval of - SB 131

Department

of Housing, Buildings, and Construction, electricians, study of - HB 215

of Revenue, taxpayer ombudsman, creation of - HB 276

Education and Workforce Development Cabinet, Governor's Scholars Program, transfer to - HB 278

Executive Branch Ethics Commission, employee, reporting to - HB 402

Geologist board, duties of - SB 162

Housing, Buildings and Construction, boiler external piping inspectors, requirements for - HB 358

Judicial Branch Budget - HB 269

Kentucky

Board of Education, response-to-intervention, use of - HB 69

Board of Education, students with disabilities, alternative diploma for - SB 43

Commission on Proprietary Education, independent agency, creation of - HB 308

Department of Education, at-risk students evidence-based assessment of - SB 38

Department of Education, career and technical education accessibility fund, creation of - SB 38

Department of Education, standards for technical education, implementation of - SB 38

Registry of Election Finance, campaign finance reports, electronic filing, requirement for - HB 90

Retirement Systems, board, operation of - HB 300

Legislative Branch Budget - HB 268

Low-income households, weatherization assistance for - HB 276

Medical imaging and radiation therapy board, creation of - HB 137

Public Service Commission, interest rates, determination of - HB 399

Six year road plan, last four years of - HJR 77

State Board of Elections, precinct boundaries, statewide plan for - HB 1

State/Executive Branch Budget - HB 265

Taxpayer ombudsman, creation of - HB 276

Tourism, Arts and Heritage Cabinet, Iraq/Afghanistan War Memorial Fund, administration of - HB 256

Transportation

Cabinet, Biennial Highway Construction Plan, FY 2012-2014 - HB 267

Cabinet, motor vehicles, titles, dealer assignments, requirements for - HB 511

Cabinet, motor vehicles, titles, recording, requirements for - HB 511

Cabinet, vehicle plate to customer system, effective date for - HB 371

Vital Statistics, divorce, electronic forms, requirement for - SB 57

State Employees

Judicial Branch Budget - HB 269

State/Executive Branch Budget - HB 265

Statutes

Intellectual disability, term, use of - HB 485

Studies Directed

404 mitigation, straight pipes and sewer, Energy and Environment Cabinet, report by - HJR 11

Department of Housing, Buildings, and Construction, electricians, study of - HB 215

General Assembly, Interim Joint Committee on Local Government, special districts, study of - HCR 53

Task Force on Kentucky Public Pensions, establishment of - HCR 162

Task Force on Middle School Athletics, establishment of - HCR 155

Task Force on Student Access to Technology, establishment of - SB 95

Task Force on the Unified Juvenile Code, establishment of - HCR 129

Legislative Research Commission, nutrition, study of - HB 550

Substance Abuse

Pseudoephedrine-based drugs, provisions for - SB 3

Surface Mining

404 mitigation, straight pipe and sewer projects, use for and report on - HJR 11

Coal truck drivers, commemoration, designated day for - HB 411

Taxation

Business, local taxation, standardized forms for - HB 277
 County ambulance service taxing districts, board members, number of - SB 91
 Delinquency, amnesty, program for - HB 499
 Department of Revenue, ombudsman, creation of - HB 276
 Economic development, jobs retention projects, eligibility for - HB 400
 Insurance, premium surcharge increase, delayed effect of - HB 338
 Property
 tax, certificates of delinquency for - HB 545
 valuation, assessment methods for - HB 398
 Qualified air freight forwarder, definition of - HB 444
 Revitalization economic development projects, supplemental projects for - HB 539
 Sales disaster, building materials, refund for - HB 255
 Trust, administration of - HB 155

Taxation, Income--Corporate

Appointments, qualified air freight forwarder, definition of - HB 444
 Credit, Metropolitan College, sunset date for - HB 246
 Delinquency, amnesty, program for - HB 499
 Economic development, jobs retention projects, eligibility for - HB 400
 Local, business, standardized forms for - HB 277

Taxation, Income--Individual

Delinquency, amnesty, program for - HB 499
 Local, business, standardized forms for - HB 277
 Refund checkoff, food banks, use for - HB 419
 Trust, administration of - HB 155

Taxation, Inheritance and Estate

Delinquency, amnesty, program for - HB 499
 Trust, administration of - HB 155

Taxation, Property

Assessments, tract development, standards for - HB 398
 Certificates of delinquency, sale and release procedures for - HB 545
 Qualified air freight forwarder, definition of - HB 444
 Trust, administration of - HB 155
 Valuation, assessment methods for - HB 398

Taxation, Sales and Use

Delinquency, amnesty, program for - HB 499
 Refund, disaster, building materials, allow for - HB 255

Taxation, Severance

Delinquency, amnesty, program for - HB 499

Teachers

Alternative education, discipline, prohibition of - HB 168
 Career and technical education, standards for - SB 38
 Coaches, sports safety course, concussion and head injury, training about - HB 281
 Districts of innovation, schools of innovation - HB 37
 Early childhood assessment and intervention, implementation of - HB 69
 Hiring, superintendent, spouse, nepotism, exemption from - HB 366
 Students with disabilities, high school, alternative diploma for - SB 43
 Summer learning camps, establishment of - SB 95

Tobacco

State/Executive Branch Budget - HB 265

Tourism

Agritourism, promotion of - HB 440
 Bed and breakfast establishments and farmstays, definitions for - HB 128
 Iraq/Afghanistan War Memorial, establishment of - HB 256
 State/Executive Branch Budget - HB 265

Trade Practices and Retailing

Business
 entities, provisions for - HB 341
 trusts, formation and governance of - HB 341
 Contracts, roof repair, cancellation of - HB 421
 Fraudulent firearm transaction, penalty for - HB 563

Traffic Safety

Motor vehicle instruction permit holder, 21 year old passenger requirement, exemption from - SB 124
 Motorcycle instruction permits, eligibility for - HB 328
 Motorless vehicles, alternative lighting and marking, requirements for - SB 75
 Programs, operation by county attorney - HB 480
 Seat belts, 15-passenger vans, requirements for - SB 89
 Speed limits, Interstate 69, 70 MPH - HB 439

Transportation

Biennial Highway Construction Plan, FY 2012-2014 - HB 267
 Certificate of authority, legal notice for - SB 160
 Coal truck drivers, commemoration, designated day for - HB 411
 Kentucky Blue Alert Network, creation of - SB 32

General Assembly Action 2012 Regular Session

Motor

vehicle instruction permit holder, 21 year old passenger requirement, exemption from - SB 124
 vehicles, titles, dealer assignments for - HB 511
 vehicles, titles, recording, requirements for - HB 511
 Motorcycle instruction permits, eligibility for - HB 328
 Motorless vehicles, alternative lighting and marking, requirements for - SB 75
 Operator's licenses and personal identification cards, veteran, designation of - HB 221
 Seat belts, 15-passenger vans, requirements for - SB 89
 Six year road plan, last four years of - HJR 77
 Speed limits, Interstate 69, 70 MPH - HB 439
 Steel haul permits, allowable distances for - HB 509
 Waste Tire Working Group, membership of - HB 518

Treasurer

Firefighters, totally disabled, insurance payments to - HB 324
 State/Executive Branch Budget - HB 265
 Unclaimed life insurance benefits, escheat of - HB 135

Unemployment Compensation

Federal unemployment loans, interest, payment on - HB 495

Unified Local Governments

Business, taxation, standardized forms for - HB 277
 Ordinances, presidential care facilities, licensing of - HB 122

Uniform Laws

Kentucky Uniform Limited Cooperative Association Act, enactment of - HB 441
 Uniform
 Commercial Code, Article 7, update of - SB 97
 Commercial Code, Article 9, update of - SB 97

United States

Congress, districts, filing deadline for - HB 2
 Law Enforcement Officer Safety Act, update to - HB 72
 Liens, recording, fees for - SB 97

Universities and Colleges

Comprehensive universities, advanced practice doctoral programs, number of - SB 131
 State/Executive Branch Budget - HB 265

Veterans' Affairs

Confederate pensions, repeal of - HB 85
 Iraq/Afghanistan War Memorial, establishment of - HB 256

Military family assistance trust fund, board of directors, membership of - HB 379
 Operator's licenses and personal identification cards, designation on - HB 221
 Prisoner of War and Missing in Action flag, definition of - HB 121

Waste Management

Waste Tire Working Group, membership of - HB 518

Waterways and Dams

Personal watercraft, inland navigation rules, citation for - HB 93

Wills and Estates

Estates, informal periodic settlement of - HB 156
 Probate fees, estate, exemption for - HB 71
 Trust, administration of - HB 155
 Unclaimed life insurance benefits, escheat of - HB 135

Wines and Wineries

Restaurants, retail drink license, requirements for - SB 40

Workers' Compensation

State/Executive Branch Budget - HB 265

