



# **GENERAL ASSEMBLY ACTION**

## **Regular Session 2004**

**Informational Bulletin No. 214**

**Legislative Research Commission  
Frankfort, Kentucky  
May 2004**





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A Staff Summary of Legislative Enactments

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## Foreword

The 2004 Regular Session of the General Assembly convened Tuesday, January 6, 2004, and adjourned sine die Tuesday, April 13, 2004, having met for 60 legislative days. During this session, 999 bills and 558 resolutions were introduced, including 285 Senate bills and 714 House bills.

Of the bills introduced, 56 Senate bills and 108 House bills passed both chambers and were delivered to the Governor. One bill proposing a constitutional amendment was enacted and transmitted directly to the Secretary of State. Therefore, a total of 57 Senate bills and 108 House bills became law.

The Governor also received 33 joint and concurrent resolutions.

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

Robert Sherman  
Director

The Capitol  
Frankfort, Kentucky  
May 2004



**2004 Regular Session  
 Bill Numbers to Acts Chapters**

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 14	107	SB 244	45	HB 242	139	HB 519	36
SB 16	108	SB 245	128	HB 251	21	HB 537	159
SB 28	89	SB 246	75	HB 258	140	HB 550	160
SB 34	109	SB 247	193	HB 262	129	HB 551	161
SB 37	37	SB 248	18	HB 264	141	HB 563	162
SB 40	68	SB 266	114	HB 283	31	HB 569	64
SB 45	122	SB 273	70	HB 286	32	HB 570	101
SB 47	38			HB 287	2	HB 571	163
SB 52	185	SJR 3	115	HB 290	33	HB 572	100
SB 63	110	SJR 80	91	HB 292	142	HB 577	65
SB 75	186	SJR 83	194	HB 295	11	HB 593	105
SB 77	88	SCR 93	90	HB 297	143	HB 595	106
SB 79	123	SJR 148	195	HB 305	144	HB 596	164
SB 80	87	SJR 156	196	HB 309	145	HB 609	165
SB 83	86			HB 319	13	HB 619	166
SB 85	98	HB 7	27	HB 321	62	HB 627	167
SB 86	94	HB 10	46	HB 322	119	HB 633	168
SB 92	39	HB 19	28	HB 323	56	HB 650	59
SB 95	187	HB 21	29	HB 331	83	HB 671	169
SB 96	111	HB 29	130	HB 341	10	HB 672	170
SB 109	74	HB 36	54	HB 342	146	HB 685	171
SB 111	188	HB 48	77	HB 362	120	HB 703	172
SB 115	124	HB 59	16	HB 373	76	HB 708	173
SB 118	12	HB 67	116	HB 376	147		
SB 122	40	HB 71	131	HB 396	197	HCR 8	66
SB 124	22	HB 72	55	HB 397	82	HJR 11	95
SB 132	23	HB 82	102	HB 398	148	HCR 23	4
SB 133	189	HB 90	132	HB 400	149	HCR 24	5
SB 138	73	HB 91	133	HB 404	150	HCR 27	174
SB 142	112	HB 92	30	HB 406	151	HCR 30	14
SB 143	69	HB 96	134	HB 412	19	HCR 31	6
SB 145	190	HB 97	135	HB 413	78	HCR 32	15
SB 146	41	HB 108	1	HB 418	99	HCR 33	17
SB 156	191	HB 113	97	HB 420	34	HCR 34	7
SB 171	125	HB 116	60	HB 427	152	HCR 63	175
SB 177	24	HB 135	136	HB 434	121	HJR 64	51
SB 181	25	HB 149	57	HB 435	71	HCR 66	8
SB 184	93	HB 152	117	HB 438	153	HCR 67	3
SB 189	113	HB 157	137	HB 441	96	HJR 98	47
SB 195	92	HB 162	118	HB 447	154	HJR 113	176
SB 200	42	HB 163	79	HB 456	35	HCR 120	177
SB 203	43	HB 167	49	HB 458	63	HCR 121	178
SB 206	126	HB 176	58	HB 460	155	HCR 122	179
SB 209	85	HB 178	103	HB 461	81	HCR 123	180
SB 219	127	HB 189	138	HB 466	20	HJR 136	181
SB 222	44	HB 199	61	HB 471	156	HCR 190	182
SB 224	26	HB 200	9	HB 493	72	HJR 207	183
SB 225	80	HB 202	53	HB 508	157	HJR 214	50
SB 228	192	HB 225	52	HB 510	104	HJR 218	184
SB 231	84	HB 226	48	HB 517	158	HCR 223	67





**SENATE BILLS****SB 14**

AN ACT relating to drug control.

Amends KRS 218A.202 to require any practitioner or pharmacist licensed or permitted in Kentucky and any dispenser licensed or permitted by the Board of Pharmacy to report specified data about controlled substances to the Cabinet for Health Services for inclusion in the all-schedule prescription electronic reporting system; requires incomplete or inaccurate data to be corrected upon notification by the cabinet, subject to tolerance rates established by the cabinet; expands the entities permitted to receive data to include the Kentucky Board of Medical Licensure, with specified purposes, and a court or probation or parole officer administering a diversion or probation program of a criminal defendant arising out of a substance abuse violation; requires that a peace officer who requests reports must be a Kentucky certified peace officer, a certified and full-time peace officer of another state, or a federal peace officer; permits the sharing of data among law enforcement officers engaged in a bona fide specific investigation involving a designated individual; permits the Department for Medicaid Services to share data regarding overutilization by recipients with a licensure board; permits the cabinet to limit the length of time that data remains in the electronic system and requires any data removed to be archived; requires the cabinet to work with each affected board, the Kentucky Bar Association, and the Justice Cabinet to develop continuing education programs related to the electronic reporting system; amends KRS 218A.240 to permit the Cabinet for Health Services to use the data for investigations, research, statistical analysis, and educational purposes, and to publish trends reports; requires the cabinet to notify licensure boards of potential problems identified by the trends reports; requires the cabinet to develop criteria, in collaboration with the Board of Medical Licensure and the Board of Pharmacy, to be used to generate the trends reports; permits law enforcement officers to request trend reports; creates a new section of KRS Chapter 218A to permit the secretary of the Cabinet for Health Services to enter into reciprocal agreements for sharing of information with other states that have prescription drug monitoring programs and specifies the criteria to be used to determine compatibility; requires the secretary to annually review the programs of other states with which Kentucky has a reciprocal agreement; requires an annual report to the Governor and the Legislative Research Commission about the status of any reciprocal agreement; prohibits the unauthorized sharing of information about a Kentucky resident, practitioner, pharmacist, or prescriber; and amends KRS 315.0351 to make technical changes.

**SB 16**

AN ACT relating to the report on dispensing prescription medications.

Amends KRS 205.561, relating to the Medicaid prescription drug dispensing fee report submitted by the Cabinet for Health Services to the Governor and the Legislative Research Commission, to delete the specific requirement for and components of a research study; and amends KRS 205.6316 to conform.

**SB 28**

AN ACT relating to education and declaring an emergency.

Allows certified and classified employees to make up days missed due to emergencies by working longer instructional hours and to count this additional time toward the required minimum 185-day school calendar provided the school district has an approved school calendar containing this provision; allows a district to assign additional job responsibilities to those classified employees whose current job responsibilities do not allow them to make up service time lost due to lengthened instructional time; and requires that a certified school employee must meet both state and local school requirements regarding the number and type of days required to fulfill his or her contract and receive service credit for retirement; EMERGENCY.

**SB 34**

AN ACT relating to home inspectors.

Creates new sections of KRS Chapter 198B to require that home inspectors be licensed; defines terms; establishes the requirements of licensure; creates the Kentucky Board of Home Inspectors; establishes exemptions from licensure; establishes qualifications of board members; establishes duties of the board including an annual licensing fee not to exceed \$250; requires certain support for the board from the Kentucky Department of Housing, Buildings, and Construction; establishes a revolving fund in the State Treasury for use by the board; establishes waiver of the licensing requirement under certain conditions; establishes reciprocity with other states; establishes license renewal criteria; requires continuing education; prohibits a political subdivision from having a registration or licensing requirement or an employment fee for home inspectors; requires the board to take disciplinary actions for noncompliance; establishes that hearings be conducted in accordance with KRS Chapter 13B; establishes that certain actions constitute a Class B misdemeanor under KRS 534.040; establishes July 1, 2006, as the deadline for a home inspector to be licensed; requires all fee-paid home inspections be conducted in accordance with certain standards of practice; clarifies that political subdivisions are not prohibited from imposing an occupational license tax on a home inspector; requires the general counsel of the Department of Housing, Buildings, and Construction to act as the legal adviser for the board; requires that a cause of action be filed within one year from the time that the claimant knew or should have known that the inspection was deficient; prohibits an inspector from writing in the initial home inspection report that any condition found is out of compliance with any building code enforced under KRS Chapter 198B; changes the date for license renewal from July 15 to the last day of the licensee's birth month; permits the board to establish an inactive license for licensees who are not actively engaging in the home inspection business but wish to maintain their license; amends KRS 198B.030 to attach the board to the department; and creates seven new sections of KRS Chapter 411 to establish notice and opportunity to repair provisions.

**SB 37**

AN ACT relating to mines and minerals.

Amends KRS 352.010 to define "workmanlike manner"; amends KRS 352.220 to include requirements for use of nonconductive materials for suspending trailing cables or

high-voltage feeder cables, for use of suitable circuit interrupting devices for power circuits and equipment at the mine, and for grounding or insulating frames of hand-held electrically driven tools and pumps; includes specifications for underground high-voltage cables used in resistance grounded systems and for power circuits and disconnecting devices; requires underground transformer stations, battery charging stations, substations, rectifiers, and water pumps be housed in noncombustible structures; includes specifications for ventilation, monitoring, and warning systems for noncombustible structures; provides exemption from the requirements for noncombustible structures for certain rectifiers and power centers; provides exemption for electrical facilities owned, operated, or controlled by an electric utility; provides fire safety requirements for flame resistant belting and underground belt conveyors; requires insulation and electric shock protection on communication lines and cables; requires weekly testing for ground wires in trailing cables; specifies procedures for testing and working on underground power circuits and electrical equipment; requires switch boxes, contactors, controllers, and other similar devices to be free of accumulations of combustible dust; provides electrical safety requirements and procedures for trolley wires and trolley feeder wires; deletes requirements for protective barriers between high-voltage wires and other conveyor wires in surface mining operations; deletes requirements for four wire circuits to minimize wire damage; prescribes electrical safety requirements including de-energizing and lock and tag procedures for testing or troubleshooting power circuits or electrical equipment located on the surface; amends KRS 352.230 to permit all electrical driven equipment except intrinsically safe equipment taken or used in by the last open crosscut and in return airways in underground mines; deletes existing requirements for operators in charge of electrical face equipment in mines and for certain inspection procedures of electrical face equipment being used next to the working face; prescribes examination and testing procedures for electrical equipment and circuits; prescribes maintenance requirements for electrical equipment utilized in intake airways; prohibits accumulations of combustible materials including grease and other lubricants to prevent fire hazards; creates new section of KRS Chapter 352 to establish qualification requirements for persons in charge of electrical face equipment; specifies the types of mine workers that are permitted to conduct tests for gas; prescribes examination requirements for approval to test for gas; prescribes gas detection and testing requirements for electrical face equipment being used near the working face; and requires 20-minute interval testing for gas and safety requirements when electric equipment is being used at the face.

**SB 40**

AN ACT relating to prescriptions.

Amends KRS 218A.202 to permit the Department for Medicaid Services to use data from the electronic system for monitoring controlled substances to identify Medicaid recipients whose use of controlled substances may be appropriately managed by a single outpatient pharmacy or primary care physician; permits the department to use the data from the system as evidence in an administrative hearing; and amends KRS 218A.240 to authorize the Cabinet for Health Services to submit data from the electronic monitoring system as evidence in administrative hearings.

**SB 45**

AN ACT relating to wages and hours.

Amends KRS 337.285 to provide an overtime exemption to in-home companionship services; defines companionship services; and amends to conform.

**SB 47**

AN ACT relating to engineers and professional land surveyors.

Amends KRS 329A.070 by adding a new Subsection 10 to exempt engineers, professional land surveyors, and respective bona fide employees from private investigator licensing requirements; and provides that this Act applies to the provisions in KRS 329A.010 to 329A.090.

**SB 52**

AN ACT relating to children.

Amends KRS 610.345 to require the judge of the court in which a petition against a child has been filed or in which a child has been adjudicated guilty to direct the court clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school that the child attends of the court action; requires that the superintendent or principal be notified within 24 hours when a petition that involves a controlled substance or the possession, carrying, or use of a deadly weapon is filed against the child; and amends KRS 158.155 to require that notification of a student being adjudicated guilty or expelled for various crimes be sent to a new school within five working days.

**SB 63**

AN ACT relating to fire safety.

Creates a new section of KRS 383.010 to 383.285 to specify that any rental agreement relating to on-campus housing at an institution of postsecondary education is required to contain a disclosure as to whether or not the premises are equipped with an automatic fire suppression system; requires that lessees be given a copy of the disclosure form; requires institutions of postsecondary education to make available upon request from the state fire marshal or any local fire official a copy of the disclosure form and an affidavit certifying that disclosures regarding a fire suppression system were made; and requires that if the institution has an automatic fire suppression system in place and properly functioning at every on-campus housing facility under the control of the institution, the institution shall be exempt from the requirements of this section.

**SB 75**

AN ACT relating to private investigators and declaring an emergency.

Amends KRS 329A.020 to prohibit a board member from serving if the member no longer meets the necessary qualifications; amends KRS 329A.025 to permit the board to waive examination based on reciprocity; amends KRS 329A.035 to require the board to confirm license status of a licensee upon request; requires the intention to conduct fire and arson investigations be included on a private investigator's license application; requires an applicant to show proof of current national certification from either the National Association of Fire Investigators or the International Association of Arson

Investigators in order to be licensed as a private investigator who conducts arson and fire investigations; amends KRS 329A.040 to decrease the amount of the fee from \$500 to \$400; requires only an individual private investigator's license for any company whose workforce is comprised of only one person; amends KRS 329A.070 to exclude an authorized agent of an attorney-at-law from provisions of KRS 329A.010 to 329A.090 if the agent's duties are limited to document and record retrieval or witness interviews; reduces the annual number of work hours for employees qualifying for exemption from regulation; excludes professional engineers, professional land surveyors, or their employees from licensure under KRS Chapter 329A; amends KRS 329A.080 to add an additional penalty for violations of KRS 329A.015; amends KRS 199.570 to specify that adoption records shall not be disclosed to any person or entity except those licensed under KRS Chapter 329A or by court order; amends KRS 199.572 to specify that if the cabinet utilizes the services of another person or entity to perform searches of adoption records, the cabinet shall contract with a person or entity licensed under KRS Chapter 329A and require contact with biological parent to be made by the cabinet only; amends KRS 199.990 to include a violation of KRS 199.572; creates a new section of KRS Chapter 329A to require a private investigator who conducts fire and arson investigations to be licensed and certified; creates noncodified sections to require a company or an individual who applies for a license based on experience to make such an application within 60 days after the effective date of this Act; and requires that renewal fees be reduced for the first renewal after the effective date of this Act; EMERGENCY.

**SB 77**

AN ACT relating to the Department of Agriculture.

Amends KRS 246.030 to create, abolish, rename, and transfer various offices and divisions within the Department of Agriculture; amends KRS 151.629 to have a House and Senate member as a nonvoting legislative liaison to the Interagency Technical Advisory Committee on Groundwater; amends KRS 247.800, 249.400, 249.410, 249.420, 251.015, and 363.560 to conform; and confirms Executive Order 04-01.

**SB 79**

AN ACT relating to alcoholic beverage wholesalers.

Amends KRS 243.170 by creating a new Subsection (4) to allow wholesalers of distilled spirits and wine to extend credit to licensed retailers for a period not to exceed 30 days; amends KRS 244.230 by making federal standards of fill provisions applicable to containers in their original sealed packages.

**SB 80**

AN ACT relating to excused absences from school.

Amends KRS 159.035 to require a school principal to give a student an excused absence of up to 10 days to pursue an educational enhancement opportunity of significant educational value; requires that a student shall be able to make up school work missed and shall not have his or her grades adversely affected due to the absence; provides for an initial appeal of a negative decision to the district superintendent and permits a second and final appeal to the local board of education; establishes that a student receiving an excused absence shall be considered present for the purposes of calculating average daily

attendance under the SEEK formula; and specifies that a student shall not be eligible to receive an excused absence during a school's testing window for the CATS assessment or during the testing period for a district-wide assessment, except under extenuating circumstances.

**SB 83**

AN ACT relating to firearms and ammunition.

Amends KRS 237.110 relating to concealed deadly weapon licenses to permit active duty members of the Armed Forces of the United States who are at a post in Kentucky and have been present in Kentucky for at least six months to apply for a concealed deadly weapon license; and amends KRS 16.220 relating to disposition of confiscated firearms to allow funds from the sale of confiscated firearms to be expended for firearms and ammunition, as well as body armor.

**SB 85**

AN ACT relating to fines for traffic offenses.

Amends KRS 189.394, regarding fines for speeding, to double fines for speeding in a school zone where the speed limit has been lowered, flashing caution lights have been installed pursuant to KRS 189.336, and the flashing caution lights are in operation.

**SB 86**

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 516, criminal simulation in the first degree, to prohibit the knowing manufacture, marketing, or distribution of any product that is intended to defraud an alcohol or drug test; provides a Class D felony for violation thereof; amends KRS 516.110 to create a criminal simulation in the second degree and to add the use or possession of a product so designed with the intent to defraud an alcohol or drug test; provides a Class A misdemeanor for violation thereof; and amends KRS 516.010 and 523.100 to conform.

**SB 92**

AN ACT relating to the Board of Trustees for the University of Kentucky.

Amends KRS 164.170 to require quarterly meetings of the University of Kentucky Board of Trustees and to delete specific meeting date requirements.

**SB 95**

AN ACT relating to zoning.

Creates a new section of KRS Chapter 100 to specify that a firearms dealer may locate anywhere in the jurisdiction in which another business may locate; and specifies that the provisions of the bill will not affect local governments' ability to exercise control of exterior appearance of property and number of paid employees as set for other commercial uses in residential zones; and provides that no restrictions shall be enacted that could reasonably be construed to solely affect the firearms manufacturers, importers, or dealers.

**SB 96**

AN ACT relating to postsecondary education finance.

Amends KRS 164.740 to delete definitions of “business school,” “college,” “grant,” “school of nursing,” and “vocational school”; amends for clarity definitions of “eligible institution,” “participating lender,” and “scholarship”; amends KRS 164.748 to clarify powers, functions, and duties of the boards of the Kentucky Higher Education Assistance Authority (KHEAA) and the Kentucky Higher Education Student Loan Corporation (KHESLC), including allowing the boards to enter into contracts with the Kentucky Educational Savings Plan Trust (KESPT) and the Commonwealth Postsecondary Education Prepaid Tuition Trust Fund known as KAPT to facilitate their common administration, operation, and management; awards grants to eligible entities upon application and such other terms and conditions as the board prescribes; amends KRS 164.753 to conform; ensures a student’s scholarship does not exceed the student’s total cost of attendance; amends KRS 164.785 to conform; limits, for eligibility purposes, the maximum number of academic terms a student has not previously attended a college or university; requires the use of the free application for federal student aid as a method of needs analysis for grant eligibility purposes; amends KRS 164A.050 to provide mutuality of services between KHEAA, KHESLC, KESPT, and KAPT; amends KRS 164A.350 to give KHEAA the option of charging a penalty instead of requiring a penalty for withdrawals not used for payment of the beneficiary’s higher education costs; amends KRS 45A.690, 164.7535, 164.7881, and 164A.060 to conform; and creates a new section of KRS 164A.550 to 164A.630 to provide an intercept clause to ensure payment on agency bonds issued by postsecondary institutions.

**SB 109**

AN ACT relating to factory-built housing.

Amends KRS 227.550 to make various definition changes; amends KRS 227.555 to include manufactured and mobile homes in manufactured home parks and communities within the smoke detector notification and correction of violation requirements; amends KRS 227.560 to include certifying installers within the powers of the Manufactured Home Certification and Licensure Board; provides that the members of the board appointed from the manufactured housing industry remain licensees of the board and subject to removal for chronic absenteeism; amends KRS 227.565 to conform to definition changes; amends KRS 227.570 to require that all installations of manufactured homes and mobile homes be done by certified installers; amends KRS 227.590 to conform to definition changes; amends KRS 227.600 to require retailers that have acquired previously owned manufactured and mobile homes and recreational vehicles to apply for a B1 seal; amends KRS 227.610 to require proof of liability insurance before licensing retailers and provides for penalty for noncompliance; amends KRS 227.620 to set fees for seals; provides for new licenses for retailers; amends KRS 227.630 to include certification of installers within denial, suspension, and revocation criteria of the offices; amends KRS 227.640 to include certification of installers within authority of fire marshal to deny, suspend, and revoke applications; provides for a dispute resolution system before the complaint proceeds to a Chapter 13B hearing; amends KRS 227.650 to allow the office to inspect the storage place of manufactured homes; creates a new section of KRS Chapter 227 to prevent persons from transporting into the state a pre-

owned manufactured or mobile home for the purpose of resale or use as a dwelling that does not have a B1 seal and provides for mechanism for acquiring a B1 seal; provides that no person shall sell, lease, rent, or furnish as a dwelling a pre-owned manufactured or mobile home without a B1 seal; clarifies that an owner bringing a manufactured or mobile home into the Commonwealth for that owner's dwelling does not have to acquire a B1 seal; clarifies that a B1 seal is not necessary for a manufactured or mobile home that was installed before the effective date of the Act; clarifies that manufactured or mobile homes installed prior to the effective date of this Act do not need to be installed in compliance with manufacturer's instructions or American National Standards Institute regulations.

**SB 111**

AN ACT relating to school councils.

Creates a new section of KRS Chapter 160 to require a scholastic audit team, when auditing a school that for two successive accountability cycles has failed to meet its goal, to include actions to improve the functioning of the school council and make recommendations concerning the council in the improvement plan; requires the audit team to recommend to the commissioner of education whether the school council shall retain the authority granted to it under KRS 160.345 and if not, recommend whether the authority shall be transferred to the superintendent or a highly skilled educator and whether the school council shall continue to act in an advisory capacity until all authority has been restored; provides that a scholastic audit team, when auditing a district of a school that for two successive accountability cycles has failed to meet its goal, shall include actions to strengthen the school council in the district's assistance plan; provides that within 30 days of the commissioner's action, the school council may request that the Kentucky Board of Education consider the matter by submitting a written request including any supporting information if both the audit teams recommend transfer of the council's authority to a highly skilled educator or if they recommend transfer of the council's authority but are not in agreement as to the party granted the council's authority; provides that the commissioner shall make a recommendation to the state board; provides that the school's right to establish a council or the school's right for the council to assume the full authority granted under KRS 160.345 shall be restored when the school meets its accountability goal for an accountability cycle as determined by the Kentucky Department of Education; provides that if, in the course of a school or district scholastic audit, the audit team identifies information suggesting that a violation related to the implementation of school-based decision making may have occurred, the commissioner of education shall forward the evidence to the Office of Education Accountability for investigation; and amends KRS 158.6455, 158.782, and 160.345 to conform.

**SB 115**

AN ACT relating to civil actions under the federal Individuals with Disabilities Education Act.

Amends KRS 157.224 to require that a request for an administrative hearing alleging a violation of the federal Individuals with Disabilities Education Act be commenced within three years after the cause of action accrued, unless a longer period is



appropriate because the violation is continuing; requires request to be made by a parent, public agency, or eligible student; and specifies the limitation period will not apply in situations involving failure of the local educational agency to provide prior written or procedural safeguards notices, false representations that the local educational agency was attempting to resolve the problem forming the basis of the complaint, or the local educational agency's withholding from the parent information relevant to the hearing issues.

**SB 118**

AN ACT relating to the sale of electric power from cooperatives to municipalities.

Amends KRS 279.120 to delete the requirement for cooperatives to sell electric power only to other states or any county, city, or political subdivision of those states; amends KRS 279.125 to require authorization from the Public Service Commission of a sale of electric energy to a municipal utility; and provides that the authorization does not imply an extension of the jurisdiction of the Public Service Commission to municipal utilities

**SB 122**

AN ACT relating to plumbing.

Amends KRS 318.030 to prohibit a person from engaging in plumbing or working at the trade of plumbing unless he or she holds a valid and effective active master plumber's license; prohibits a person, firm, or corporation from engaging in plumbing or working at the trade of plumbing unless the person, firm, or corporation maintains general liability insurance of not less than \$250,000 and submits proof of compliance with state workers' compensation and unemployment insurance laws; requires proof of liability insurance to be submitted to the Office of Housing, Buildings, and Construction prior to the issuance or renewal of an active master plumber's license; invalidates the master plumber's license if the licensee does not have liability insurance; requires insurance carriers to notify the office when a licensee's liability insurance policy has been cancelled; and provides that an employee of a person, firm, or corporation is not required to obtain liability insurance under the provisions of this chapter.

**SB 124**

AN ACT relating to school bus specifications.

Amends KRS 156.153 to require that school bus standards and specifications be set by the Kentucky Department of Education rather than by the Kentucky Board of Education; deletes obsolete language; and amends KRS 189.540 to conform.

**SB 132**

AN ACT relating to interior designers.

Amends KRS 323.410 by extending the grandfather provision to license interior designers without an examination from two to four years.

**SB 133**

AN ACT relating to animals.

Creates a new section of KRS Chapter 258 to prohibit the use of gunshot as a method of euthanasia in animal shelter settings; amends various sections of KRS Chapter 258 to delete references to “dog pounds” and “dog wardens” and use the terms “animal shelter” and “animal control officer”; defines “cat,” “animal control officer,” “ferret,” “board,” “euthanasia,” “animal shelter,” “livestock,” “poultry,” and “quarantine;” requires dogs, cats, and ferrets to be vaccinated against rabies; requires persons with feral cats on their premises to make a reasonable effort to vaccinate the cats; requires a dog to wear a rabies tag; allows a qualified person to vaccinate his own dog; allows a dog, cat, or ferret from out of state to not be vaccinated against rabies if the animal is already vaccinated and meets the rabies standards of Kentucky; allows, rather than requires, local health departments to sponsor mass rabies immunization clinics; requires the destruction and testing for rabies of a wild or exotic animal that has bitten a person; requires an owner of an animal with rabies to be responsible for costs associated with any quarantine or rabies testing of that animal; allows a governmental agency to contract with other counties or entities to maintain an animal shelter; establishes minimum standards for animal shelters; requires the Animal Control Advisory Board to promulgate administrative regulations regarding animal control in the state; deletes the requirement that all dogs be licensed and allows each county to establish its own licensing program; requires all counties to meet the minimum standards established regarding animal shelters within three years of the effective date of this Act; allows animal control officers to impound dogs that do not bear a valid rabies tag; allows animal control officers to issue uniform citations, local citations, or local notices to enforce animal control, cruelty, and torture laws; reduces the minimum holding period of impounded dogs from seven to five days; requires proof of or the purchase of a valid rabies vaccination before an impounded dog, cat, or ferret may be reclaimed from a shelter; requires the confinement of a vicious dog; prohibits a dog from violating local nuisance ordinances; requires the owner of any dog, cat, or ferret that bites a person to be responsible for any damages resulting from the bite; amends KRS 436.605 to require agents of humane societies to be employed by or have a contract with a governing body before the agent can have the power of a peace officer in enforcing statutes relating to cruelty to animals; prohibits animal control officers and officers or agents of humane societies from having the power of arrest unless they are peace officers; specifies that money collected from fines be credited to the Animal Control and Care Fund; amends KRS 67.592, 212.625, 257.100, 321.181, and 436.610 to conform; makes technical corrections; repeals KRS 258.025, 258.105, 258.115, 258.125, 258.145, 258.155, 258.165, 258.175, 258.185, 258.205, 258.275, 258.285, 258.295, 258.305, 258.325, 258.345, and 258.355; provides that funds remaining in the livestock fund be deposited in the Animal Control and Care Fund; and allows veterinarians to renew their licenses biennially, rather than annually.

**SB 138**

AN ACT relating to payments for sexual assault examinations, making an appropriation therefor, and declaring an emergency.

Creates a new section of KRS Chapter 346 to establish the sexual assault victim assistance fund to be administered by the Crime Victims’ Compensation Board; specifies

uses of the fund and requires federal matching funds to be deposited into the sexual assault victim assistance fund; specifies requirements for management of funds; requires the fund to reimburse children's advocacy centers for child sexual abuse medical examinations; amends KRS 216B.400 to require the Crime Victims' Compensation Board to pay for sexual assault forensic medical examinations; and specifies that the board shall not conduct an independent investigation but may require proof that examinations were conducted; EMERGENCY.

**SB 142**

AN ACT relating to the Airport Zoning Commission.

Amends KRS 183.861, regarding the Airport Zoning Commission, to expand the commission's jurisdiction over land use to include private airports with paved runways greater than 2,900 feet in length.

**SB 143**

AN ACT relating to embalmers and funeral directors.

Amends KRS 316.030 to require that all Kentucky-licensed embalmers and funeral directors who practice in Kentucky practice only from a licensed funeral establishment; and makes technical changes to conform; amends KRS 316.140 to exclude holders of courtesy cards from the requirement to practice only from a licensed funeral establishment.

**SB 145**

AN ACT relating to crimes and punishments.

Creates a new section of KRS Chapter 510 to create the crime of indecent exposure in the first degree when the person indecently exposes himself or herself under circumstances in which he or she knows or should know that the conduct could cause affront or alarm to a person under the age of 18 years; specifies that the penalty for indecent exposure in the first degree is a Class B misdemeanor for the first offense, Class A misdemeanor for the second offense if committed within three years of the first conviction, Class D felony for the third offense if committed within three years of the second conviction, and Class D felony for any subsequent offense if committed within three years of the prior conviction; and amends KRS 510.150 to change the crime from indecent exposure to indecent exposure in the second degree when the person indecently exposes himself or herself under circumstances in which he or she knows or should know that the conduct could cause affront or alarm to a person 18 years of age or older as a Class B misdemeanor.

**SB 146**

AN ACT relating to agriculture.

Amends various sections in KRS 41.600 to 41.610 to create the linked deposit program in the Kentucky Agricultural Finance Corporation rather than the Department of Agriculture; makes conforming changes; amends KRS 247.942 to add to the definition of agricultural loan that woodland product production is an activity that qualifies for a loan, to broaden the definitions of applicant and project, and to delete the Department of Agriculture definition; amends KRS 247.944 to administratively link the Kentucky

Agricultural Finance Corporation to the Office of the Governor rather than to the Department of Agriculture; increases the membership of the corporation's board to 12 from 10; requires the commissioner of the Department of Agriculture to serve as chairperson rather than require the board to elect a chair; allows the commissioner and the secretary of the Finance and Administration Cabinet to vote on matters before the board; removes the Lieutenant Governor from the board; adds as members an officer from a commercial lending institution and a horticultural farmer; requires that the Governor shall appoint a member from the Agricultural Development Board to fill one of the positions on the Agricultural Finance Corporation board for which they would be qualified; requires the executive director of the Agricultural Development Board to serve as director of the corporation rather than allow the board of the corporation to hire a director; deletes the allowance of per diem to board members; amends KRS 247.978 to declare that first-time farmers as defined by the USDA, Farm Service Agency, may receive loans up to \$250,000, and other loan applicants may receive loans up to \$1,000,000; and makes conforming change.

**SB 156**

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to abolish the Kentucky Racing Commission and to establish the Kentucky Horse Racing Authority; changes existing language to conform; establishes the authority's membership to consist of 13 appointees of the Governor, including two appointees with no financial interest in the industry regulated; allows members to serve three-year terms with initial terms staggered; includes secretaries of the Environmental and Public Protection, Commerce, and Economic Development Cabinets as nonvoting, ex officio members; allows the Governor to appoint from membership one chairperson and one vice chair to serve in the chairperson's absence; allows duly promulgated administrative regulations of the Kentucky Racing Commission in effect on January 6, 2004, to remain in effect until revoked or modified by the authority; allows licenses approved by and dates awarded by the Kentucky Racing Commission to remain in effect through December 31, 2004; includes within the authority's duties and responsibilities regarding programs and incentives the promotion of tourism and the horse industry; allows the Governor to establish qualifications and salary for and to appoint an executive director to be responsible for the authority's day-to-day operations, personnel, reports, budgets, and other policy and program directives; permits quarter horses and Appaloosas foaled by artificial insemination or other means to race under the provisions of this chapter; confirms Executive Order 2004-030, dated January 6, 2004; abolishes the Backside Improvement Commission and transfers all records and responsibilities to the Kentucky Horse Racing Authority; confirms Executive order 2003-858, dated August 20, 2003.

**SB 171**

AN ACT relating to reinsurance.

Amends KRS 304.5-140 to provide that no credit shall be allowed in the event of insolvency of the ceding insurer unless the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court; permits the reinsurance agreement to provide that the domiciliary

liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding; amends KRS 304.33-330(2)(d) to delete provision on right of a person to set off premium; provides that the paragraph shall only apply to reinsurance contracts entered into prior to the effective date of this Act; amends KRS 304.33-350 to prohibit the reduction of the amount recoverable by the liquidator from a reinsurer as a result of delinquency proceeding unless the reinsurance contract provides that in the event of insolvency of the ceding insurer the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court; amends KRS 304.33-380 to provide that no section in this subtitle shall be construed as authorizing the receiver to compel payment from a reinsurer on the basis of estimated incurred but not reported losses or outstanding reserves; permits the liquidator to negotiate a voluntary commutation and release of all obligations arising from reinsurance contracts or other agreements; creates a new section of Subtitle 5 of KRS Chapter 304 to permit an authorized insurer to reinsure its risks in any insurer authorized to do business in this state, any other state, the District of Columbia, or in any alien insurer; and provides that an authorized insurer may reinsure an insurer eligible for export, pursuant to Subtitle 10 of KRS Chapter 304, as to property and casualty insurance policies that principally contemplate performance in Kentucky or as to such policies the principal subjects of risk of which are located in Kentucky.

**SB 177**

AN ACT relating to insurance accounting practices and procedures.

Amends KRS 304.2-065 to require the early warning analyst in the Department of Insurance to report annually, rather than biannually, to the General Assembly; amends KRS 304.2-080, 304.2-195, 304.2-300, 304.2-360, 304.3-150, 304.8-010, 304.8-020, 304.8-040, 304.8-090, 304.8-095, 304.8-100, 304.8-110, 304.8-150, 304.8-170, 304.8-180, 304.8-190, 304.27-070, 304.28-070, 304.32-030, 304.32-140, 304.33-110, and 304.38-170 to make technical changes; amends KRS 304.3-110 to provide that only an insurer with a certificate of authority to sell life insurance may grant and issue annuity contracts; amends KRS 304.3-180 to prohibit an insurer from using the same accounting firm for preparing the audited financial statement for more than seven, rather than four, consecutive years; amends KRS 304.3-240 to require the annual statement of domestic insurers to contain original signatures and permit foreign or alien insurers to execute an annual statement by facsimile or reproduced signature; amends KRS 304.3-320 to require foreign life and health insurers domiciled in states without a guaranty fund to furnish the commissioner with a deposit of cash or publicly traded securities in the specified amounts; creates a new section of Subtitle 6 of KRS Chapter 304 to define “accounting practices and procedures manual” and “SSAP”; amends KRS 304.6-010 to provide that collectible interest 180 days past due on a mortgage loan in default is a nonadmitted asset; clarifies what are nonadmitted and admitted assets; amends KRS 304.6-020 to specify what assets shall not be allowed in determination of the financial condition of an insurer; amends KRS 304.6-040 to require certain deferred tax liabilities to be charged against assets in determining the financial condition of an insurer; amends KRS 304.6-050 to provide for computation of unearned premium reserves; amends KRS 304.6-090

to require mortgage guaranty insurers to maintain a liability referred to as a statutory contingency reserve; amends KRS 304.6-100 on casualty insurance loss reserves to delete provision on minimum reserve requirements; amends KRS 304.6-180 on premium deficiency reserves of property and casualty insurers; amends KRS 304.13-390 to delete current language and provide that if the state fire marshal gives notice that any authorized insurer has failed to comply with the provisions of KRS 227.250, the commissioner may revoke or suspend the insurer's certificate of authority; amends KRS 304.24-300 to provide when a surplus note shall be reported as surplus and not debt; amends KRS 304.24-500 to provide for filing an application for redomestication and transfer of domicile; amends KRS 304.29-281 to specify statutory provisions that domestic, foreign, and alien societies are subject to for purposes of determining financial condition, market conduct, and business practices; amends KRS 304.30-060 to specify statutory provisions that premium finance companies are subject to for purposes of determining financial condition, market conduct, and business practices; creates a new section of Subtitle 32 of KRS Chapter 304 to restrict activities of corporations whose certificates of authority have been suspended; amends KRS 304.32-210 to specify statutory provisions that nonprofit hospital, medical-surgical, dental, and health service corporations are subject to for purposes of determining financial condition, market conduct, and business practices; amends KRS 304.32-270 to subject nonprofit hospital, medical-surgical, dental, and health service corporations to the provisions of Subtitle 3 of KRS Chapter 304; amends KRS 304.38-120 to specify statutory provisions that health maintenance organizations are subject to for purposes of determining financial condition, market conduct, and business practices; amends KRS 304.38-130 to allow the commissioner to suspend or revoke the certificate of authority of a health maintenance organization on the grounds established in Subtitles 2 and 3 of KRS Chapter 304; amends KRS 136.410 to delete provision requiring a copy of the statement of all amounts paid to the bail bondsman to be filed with the commissioner when the bondsman files the report of assets and liabilities; amends KRS 431.510 to define "bail bondsman"; amends KRS 304.2-195 to conform; and repeals KRS 304.8-060, 304.8-070, 304.13-043, 304.32-220, 304.32-230, 304.34-010, 304.34-020, 304.34-030, 304.34-040, 304.34-042, 304.34-045, 304.34-050, 304.34-060, 304.34-070, 304.34-075, 304.34-080, 304.34-090, 304.34-100, 304.34-110, 304.34-120, 304.34-130, 304.34-140, 304.34-160, and 304.99-030.

### **SB 181**

AN ACT relating to security interests.

Amends KRS 186.045 to provide that when a security interest in a motor vehicle has been discharged, the secured party must deliver an authenticated termination statement in compliance with KRS 355.9-513 and 186A.195.

### **SB 184**

AN ACT relating to immunizations.

Creates a new section of KRS Chapter 214 to require the reporting of information about immunizations, consistent with federal law, as required by the Department for Public Health.

**SB 189**

AN ACT relating to long-term care facilities.

Creates a new section of KRS Chapter 216 to require a long-term care facility owned, managed, or operated by the Department of Mental Health and Mental Retardation Services to request in-state criminal background information from the Justice Cabinet or Administrative Office of the Courts for each person recommended for employment and to request out-of-state criminal background information for each person who has lived or worked outside Kentucky; and prohibits the facility from hiring persons with a conviction for certain specified felony offenses.

**SB 195**

AN ACT relating to volunteer fire department trustees.

Amends KRS 75.031 to remove the limit that only one member of the board of trustees of a fire protection district or volunteer fire department district may be an employee of the fire protection district.

**SB 200**

AN ACT relating to tuition for postsecondary education.

Amends KRS 164.020 to require the Council on Postsecondary Education in defining in-state residency to include a student who met the residency requirements at the beginning of his or her last year in high school and who enters a Kentucky postsecondary institution within two years of high school graduation.

**SB 203**

AN ACT relating to local industrial development authorities.

Amends KRS 154.50-326 to allow members to be chosen by agreement between legislative bodies of the cities and counties.

**SB 206**

AN ACT relating to health practitioners.

Creates new sections of KRS Chapter 311 to certify surgical assistants under the authority of the Kentucky State Board of Medical Licensure; creates a six-member Advisory Committee for Surgical Assistants appointed by the board to aid in implementation of the Act; provides that appointments include surgical assistants, physicians, and a registered perioperative nurse; provides that members serve staggered terms of two years, have no policy-making authority, and meet quarterly; provides that the board's duties include promulgation of administrative regulations, development of information pamphlets regarding the surgical assistant profession, and documentation of complaints received about surgical assistants; requires that medical professionals who work with surgical assistants be required to report behavior that could pose a threat to the public welfare; establishes certification criteria, renewal protocol, a grandfather provisions prior to July 1, 2005, continuing education criteria, sanctions for violations of the Act, and provisions for appeal; and amends KRS 327.040 to allow the State Board of Physical Therapy to promulgate administrative regulations that establish a measure of continued competency as a condition for renewal of a physical therapist's license.

**SB 209**

AN ACT relating to fish and wildlife resources.

Amends KRS 150.645 relating to permission to hunt on private premises to require suits for property damage brought against department employees who participate in wildlife management practices to be brought as claims in the board of claims; and provides for the issuance of cooperator permits to individuals or organizations who enroll land for public hunting with the department.

**SB 219**

AN ACT relating to federally funded time-limited state employees.

Amends KRS 18A.005 to define a “federally funded time-limited employee” and position; specifies that the position terminates upon conclusion of the grant that created it; amends KRS 18A.113 to include federally funded time-limited employees among those employees who shall be affected by layoffs prior to full-time or part-time employees with status; amends KRS 18A.115 to exempt all federally funded time-limited positions from the merit system provisions; allows federally funded time-limited employees who are disciplined or terminated to have the right to file a grievance with the appointing authority of the agency and be heard by the appointing authority prior to the effective date of the disciplinary action or termination; provides noncodified language that specifies that no federally funded position shall exceed the original grant period or any renewal of that original grant; specifies that a copy of the relevant grant sections establishing a time frame for that position become part of the employee’s personnel file and also be reported and justified to the State Personnel Board; and amends KRS 278.050 to conform.

**SB 222**

AN ACT relating to environmental protection.

Amends KRS 224.46-580 to extend collection of the hazardous waste assessment fee until June 30, 2006, rather than June 30, 2004.

**SB 224**

AN ACT relating to underground storage tanks.

Amends KRS 224.60-130 to require tank owners to file for eligibility for the petroleum storage tank account by January 15, 2008, rather than January 15, 2004; requires reimbursements for corrective action under the petroleum storage tank account to be submitted by July 15, 2013, rather than 2009; deletes July 15, 2010, as the deadline for submission of petroleum storage account claims; sets July 15, 2008, rather than July 15, 2004, as the date for the end of the small operator assistance account; amends KRS 224.60-142 to require registration of tanks installed after July 15, 2004, rather than 2002 to be eligible to participate in the fund; requires registration of tanks currently existing to register the tanks by July 15, 2006, rather than July 15, 2004, prior to applying to the fund; and amends KRS 224.60-145 to direct that the small operator assistance program continue until July 15, 2008, rather than July 15, 2004.



**SB 225**

AN ACT relating to certificates of deposit.

Creates a new section of KRS Chapter 367 to provide that a financial institution that issues a certificate of deposit that is subject to automatic renewal at maturity shall, upon automatic renewal, renew the certificate of deposit for a like term at the best available rate of interest as posted at the issuing financial institution for similarly issued certificates of like term; requires any notice of options at renewal sent to the holder of such a certificate of deposit to disclose that any automatic renewal will be for a like term at the best available rate of interest as posted at the issuing financial institution for similarly issued certificates of like term; and provides that violation of this section is an unfair, false, misleading, and deceptive act or practice in the conduct of trade or commerce in violation of KRS 367.170.

**SB 228**

AN ACT relating to debts owed to the Commonwealth and declaring an emergency.

Creates new sections of KRS Chapter 45 to define terms; requires the Finance and Administration Cabinet (FAC) to develop for the executive branch a system of internal controls and preaudit policies and procedures for disbursement transactions for the purpose of preventing and detecting errors or fraud and abuse prior to the issuance of a check or warrant; requires initial policies and procedures to be established by October 1, 2004; requires development of preaudit procedures that meet the unique needs of each agency; sets forth the actions to be taken by the FAC in establishing these preaudit procedures; requires each agency to attempt to collect amounts paid vendors, providers, or recipients due to error, fraud, or abuse for 60 days after the improper payment is discovered; requires the agency, if the improper payment has not been collected within the 60 days, to certify the improper payment as a debt and refer all certified debts to the FAC for further collection action; requires funds recovered within the 60-day period to be allocated to the fund from which the improper payment was expended; requires each agency to submit annual summaries of debts, improper payments, and certified debt referrals to the Legislative Research Commission (LRC) for its referral to the co-chairs of the Interim Joint Committee on Appropriations and Revenue; establishes content of the summaries; requires agencies to refer all certified debts to the FAC; vests the FAC with all powers necessary to collect referred debts; directs the FAC to maintain records of debts deemed unfeasible or cost-ineffective to pursue, including the reason for that decision; imposes interest and a collection fee on all certified debts received by the FAC; permits the FAC to retain the collection fee and requires the interest and recovered funds to be deposited in the budget reserve trust fund; exempts Medicaid benefits and funds required by law to be remitted to a federal agency; permits referral to the Attorney General of any unsatisfied claim, demand, account, and judgment for further civil or criminal action; requires the FAC to report annually by October 1 to the LRC; prescribes content; requires the Court of Justice to establish a system for tracking and identifying debts; directs the Court of Justice to establish and operate a system for collecting debt; requires consideration of technology to assist in the accurate, timely, and efficient delivery of payments; requires the courts, Justice Cabinet, and Revenue Cabinet to collaborate on the collection of old court debts; prohibits divulging any shared

confidential information to any unauthorized person; requires these debts to be included as a separate designation in the annual report to the LRC; amends KRS 44.030 to require each agency and the Court of Justice to provide information on all certified debts to the State Treasurer for action to prevent money being paid to a person indebted to the state; amends KRS 45.240 to conform; amends KRS 15.060 to limit the Attorney General's actions, regarding collection of payments, to those requested by the Revenue Cabinet; EMERGENCY.

**SB 231**

AN ACT relating to rural economic development and declaring an emergency.  
Amends KRS 154.22-040, relating to minimum wage requirements established for companies that seek rural economic development incentives, exempting nonprofit corporations that employ handicapped and sheltered workshop employees at federally established subminimal wages; EMERGENCY.

**SB 244**

AN ACT relating to real estate brokerage.  
Amends KRS 324.020 to limit split fees by real estate brokers to referral fees only; amends KRS 324.046 to remove the notarized affidavit requirement as proof of academic credit; requires a sworn notarized statement by the principal broker or brokers to verify the experience requirement for a sales associate; amends KRS 324.112 to require that a licensee register a branch office with the commission within 10 days after it is opened; makes technical corrections to conform; amends KRS 324.117 to direct licensees to list either the real estate company from the licensee's own license or from the affiliated principal broker in all advertising for any listed property; requires licensees to provide written notification of the requirements of this section to any customer or client of the licensee who advertises listed property; specifies that the licensee shall keep a file of this notification to the client or customer; amends KRS 324.121 to mandate that a designated agent shall inform and obtain the consent of the seller or lessor to the designation; forbids a principal broker from designating himself or herself as a designated agent; requires that a principal broker acting as a dual agent keep confidential information relating to either party in an individual file maintained and accessed by the principal broker only; amends KRS 324.150 to authorize the commission, while investigating violations, to compel the production of books, papers, documents, and other evidence, to review evidence, or to enter the office or branch office of a principal broker to inspect required documents relating to the allegations of practices violating the provisions of KRS Chapter 324; makes technical corrections to conform; amends KRS 324.160 to expand the language prohibiting discrimination to include any violation of the Federal Fair Housing Act; amends KRS 324.330 to require that licensees inform the commission in writing of a change of residence within 10 days; amends KRS 324.395 to raise the annual insurance premium ceiling for "errors and omissions" insurance potentially provided by the commission for licensees from \$125 to \$200; amends KRS 324.990 to designate unlicensed real estate brokerage as a Class A misdemeanor for the first offense and a Class D felony for any subsequent offenses; and allows the commission to make exceptions for those who engage in unlicensed real estate brokerage if the violation is due to failure to renew a previously valid license and if the person is

entitled to and does avail himself or herself of the remedial provisions of KRS 324.090(3).

**SB 245**

AN ACT proposing an amendment of the Constitution of Kentucky by creating a Section 233A relating to marriage.

Proposes an amendment to the Constitution of Kentucky to create a Section 233A to provide that only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky, and that a legal status identical to or substantially similar to that for marriage shall not be valid or recognized; submits amendment to the voters for approval or rejection; and provides ballot language.

**SB 246**

AN ACT relating to construction of certain electric transmission lines.

Amends KRS 278.020 to require electric power providers, including cooperatives, that seek to build certain electric transmission lines to obtain a certificate of public convenience and necessity from the Public Service Commission; exempts replacement, upgrading, and relocation of existing lines and some lines serving a single customer; requires a local hearing, if requested; provides hearing requirements; provides that granting of a certificate is deemed to be a determination by the PSC that such construction is a prudent investment; and amends KRS 278.516 to conform.

**SB 247**

AN ACT relating to metering of electricity.

Requires electric suppliers to facilitate interconnection with “customer generators” who generate a portion of their own electricity with photovoltaic (solar) cells; requires suppliers to issue credit to such generators who feed power back to the grid; requires that rated capacity of eligible customer generators not exceed 15 kilowatts; allows that if cumulative capacity of all such home systems exceeds one-tenth of 1% of supplier’s single-hour peak load, supplier may request that the PSC limit its obligation to offer net metering to new customers; prohibits transfer of excess electricity credits; requires verification of safety and compliance when any system is transferred to a new owner; and includes interconnecting equipment in safety and power quality section.

**SB 248**

AN ACT relating to economic development.

Amends various sections of Subchapter 26 of KRS Chapter 154 to increase the percentage of approved costs that the company may recover to be negotiated by the authority and not to exceed 75%; removes the portion of the job development assessment fee that may not be recovered through tax credit offset; limits the total job development assessment fee to 5% of gross wages; allows the authority to negotiate the license tax credit up to 100% of the computed license tax attributable to the location of the project; creates a new section of Subchapter 26 of KRS Chapter 154 to give preliminarily approved companies the one-time option to operate under the existing terms of the agreement or to request that the agreement be amended to comply with changes made to the program by this Act; and amends KRS 136.0704 and KRS 141.310 to conform.

**SB 266**

AN ACT relating to the designation of the official fruit of Kentucky.

Creates a new section of KRS Chapter 2 to name and designate the blackberry as the official fruit of Kentucky.

**SB 273**

AN ACT relating to fireworks.

Amends KRS 227.710 to require that the definition of a “public display of fireworks” requiring a permit shall include the use of pyrotechnic devices or pyrotechnic materials before a proximate audience, whether indoors or outdoors; amends KRS 227.715 to increase the annual fee to sell fireworks to no more than \$50; amends KRS 227.720 to require that no permit shall be issued under KRS 227.710 unless the applicant gives a bond or has liability insurance of no less than \$1,000,000.

**SJR 3**

Directs the Natural Resources and Environmental Protection Cabinet (NREPC) to submit a revision of the State Implementation Plan (SIP) to the federal Environmental Protection Agency (EPA) that removes the vehicle emissions testing program (VET) in Northern Kentucky; states that the Commonwealth will determine the best methods to comply with Clean Air Act standards and those cabinets charged with meeting standards will not permit punitive actions to be taken against citizens and businesses; directs the NREPC and the Transportation Cabinet to ensure that vehicle owners are not denied registration relating to VET testing after the approval of a SIP without a VET program by the EPA and the termination of the VET program; directs the NREPC to submit a state SIP without a VET program in the event the Northern Kentucky area is declared in nonattainment for 8-hour ozone standards; and directs the NREPC to provide technical assistance, if requested, to the Louisville Metro Air Pollution Control District related to reducing emissions without a VET program.

**SJR 80**

Urges the establishment of a committee to evaluate existing school civic literacy programs, determine a strategy for enhancing long-term civic education, and recommend a plan for implementing a civic education program; and amends to conform with companion bill HJR 129.

**SJR 83**

Designates Millersburg Military Institute as the official Kentucky military school; designates the bridge on Kentucky Route 109 over the Trade Water River at mile marker 0.35 near the town of Dawson Springs the “Dudley Riley Bridge”; and directs that within 30 days of the effective date of the Resolution, appropriate signs be erected at each end of the bridge.

**SCR 93**

Requests the members of Kentucky's Congressional delegation to secure federal financial assistance to assist in the start-up costs that can be expected from implementing a national animal identification program; and includes United States Department of Agriculture Secretary Ann Veneman in the request to fund an animal identification program.

**SJR 148**

Requires the Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses to establish a suicide prevention advisory workgroup; specifies membership and chairperson; requires workgroup to develop recommendations and strategies to coordinate efforts; requires workgroup to report to commission by July 1, 2005; and requires commission to include recommendations in its annual report to the Governor and the General Assembly.

**SJR 156**

Directs the Office of Education Accountability to conduct a study of the Commonwealth Accountability Testing System; requires the study to be conducted under the direction of the Education Assessment and Accountability Review Subcommittee (EAARS); requires the Kentucky Department of Education to provide analysis of data and information upon request by the Office of Education Accountability; provides that the written draft report be made by September 15, 2004, to EAARS and with its approval that the report be transmitted to the Legislative Research Commission and the Interim Joint Committee on Education; and permits consultants to be employed to assist with the study upon request of EAARS and approval of the Commission.



**HOUSE BILLS****HB 7**

AN ACT relating to consumer protection.

Creates a new section of KRS 434.550 to 434.730 to prohibit a person from stealing the information encoded on the magnetic strip of credit card, debit card, or other payment card with the intent to defraud another; prohibits the reencoding of one card's information onto the magnetic strip of another card with the intent to defraud; amends KRS 434.560 to conform by adding to the existing definitions related to credit card crimes definitions for the terms "merchant," "payment card," "reencoder," and "scanning device"; and amends KRS 434.730 to provide a Class D felony for first offense and Class C felony for a subsequent offense for violating the provisions of the Act.

**HB 10**

AN ACT relating to children with disabilities.

Amends KRS 159.030 to provide that a student may be granted an exemption from compulsory attendance if the student's individual education plan specifies that his or her placement in home or hospital is the least restrictive environment; provides that the requirement for signed statements from two medical professionals when a student is excused from school attendance for more than six months shall not apply to a student whose doctor or other medical professional certifies that the student has a chronic physical condition that renders attendance inadvisable and that the condition is not likely to improve within one year; and provides that for an exceptional child whose doctor or other medical professional certifies the child has a chronic physical condition that renders attendance inadvisable and that the condition is not likely to improve within three years, the admissions and release committee shall annually consider the child's condition and existing documentation and request updated evidence when required or at least every three years.

**HB 19**

AN ACT relating to the insurance premium tax.

Amends KRS 91A.080 to exempt premiums paid to insurers of municipal bonds, leases, or other debt instruments issued by or on behalf of political subdivisions of the Commonwealth including local governments, special districts, and nonprofit corporations from the insurance premium tax; and specifies that the exemption shall not apply if the bonds, leases, or other debt instruments are issued for profit or on behalf of for-profit or private organizations.

**HB 21**

AN ACT relating to the Kentucky Military Museum.

Amends KRS 171.345 to change the composition of the Kentucky Military Museum Committee and to stagger the terms of the members; EFFECTIVE December 1, 2005.

**HB 29**

AN ACT relating to personal motor vehicle insurance database.

Creates a new section of Subtitle 39 of KRS Chapter 304 to provide that beginning on January 1, 2006, every insurance company that writes liability insurance on personal motor vehicles shall report the vehicle identification number of each insured motor vehicle and the name of the policyholder to the Department of Vehicle Regulation each month; exempts an insurer from civil liability for reporting the information unless there is malice, fraud, or gross negligence; amends KRS 186A.040 to require the Department of Vehicle Regulation to notify the insured if the vehicle identification number does not appear in the database for two consecutive reporting months; provides that in developing the mechanism to electronically transfer the information to the department, the commissioner of the Department of Vehicle Regulation shall consult with the commissioner of insurance and insurers; provides that information obtained by the Department of Vehicle Regulation from insurers is not subject to the Open Records Act and cannot be disclosed; creates a new section of KRS Chapter 186A to provide that on and after January 1, 2006, a county clerk cannot process an application for, or issue, a title, registration, replacement plate, duplicate registration, transfer of registration, or temporary tag for a personal motor vehicle if the Automated Vehicle Information System (AVIS) does not list the vehicle identification number; provides that if AVIS does not list the vehicle identification number, the county clerk may process the application if the applicant has an insurance card that was effective no more than 45 days before submission of the application to the clerk; amends KRS 304.39-085 to provide that the requirement of reporting cancellations and terminations will not apply to personal motor vehicles on and after January 1, 2006; amends KRS 304.39-117 to provide that on and after January 1, 2006, as to personal motor vehicles, the insurance card and the database shall be evidence of insurance to a peace officer if the peace officer has access to the database through AVIS; provides that if the vehicle identification number does not appear in AVIS, the peace officer may accept as proof of insurance an insurance card that was effective no more than 45 days prior to the request of proof by the peace officer; and amends KRS 186.021, 186.180, 186.190, and 186A.100 to conform.

**HB 36**

AN ACT relating to participation of Head Start teachers in the Kentucky Teachers' Retirement System.

Permits members of the Kentucky Teachers' Retirement System to purchase service credit for Head Start experience under the same conditions that out-of-state service credit may be purchased under KRS 161.515.

**HB 48**

AN ACT relating to civil actions.

Creates a new section of KRS Chapter 411 to provide limited immunity to an employer who discloses job performance information about a former or current employee to a prospective employer of that employee if requested to do so by that employee or prospective employer.



**HB 59**

AN ACT relating to continuing care retirement communities.

Amends KRS 216B.335 to extend the period of time for the establishment of continuing care retirement community nursing home beds from July 31, 2004, to July 31, 2008.

**HB 67**

AN ACT relating to hospitalization of a disabled or incapacitated person.

Amends KRS 222.430 to permit involuntary treatment for alcohol and other drug abuse disorders and extends rights guaranteed to persons involuntarily hospitalized for mental illness to persons ordered to undergo treatment for alcohol and other drug abuse; creates new sections of KRS Chapter 222 to provide procedures for involuntary treatment of persons suffering from alcohol and other drug abuse who present an imminent threat of danger to self or others and can benefit from treatment; permits the filing of a petition and requires the petitioner to guarantee payment for any court-ordered treatment costs for alcohol and other drug abuse; requires a hearing on the petition within 14 days and requires the respondent to be examined by two health professionals; permits the court to order treatment for up to 60 or 360 days or other time period agreed upon; permits contempt of court actions for failure to undergo treatment; permits involuntary hospitalization for up to 72 hours if the person presents an imminent threat of danger; permits the court to issue a summons for appearance for an evaluation; directs law enforcement officials or others to transport the person to a hospital; requires the petitioner to pay for transportation costs; specifies the short title for Sections 1 to 8 of the Act as the "Matthew Casey Wethington Act for Substance Abuse Intervention"; creates a new section of KRS Chapter 210 to require regional community mental health-mental retardation boards to provide lists of hospitals and treatment programs to circuit clerks in their region; amends KRS 222.475 to require annual reports on treatment centers from the cabinet to the Governor and the General Assembly; makes technical amendments to KRS 222.005, 222.231, 222.311, 222.421, 222.460, 600.020, 610.127, and 620.023; amends KRS 311.631 to permit a durable power of attorney to make health care decisions when the adult patient does not have an advance directive and does not have decisional capacity as determined by the patient's physician; specifies that a health care decision may involve a psychiatric hospitalization at a general hospital not owned or operated by the state for treatment not to exceed 14 days; and repeals KRS 222.021, relating to the Substance Abuse, Pregnancy, and Women of Childbearing Age Work Group, which had a sunset date of July 15, 2002.

**HB 71**

AN ACT relating to handicapped parking.

Amends KRS 189.456, relating to permanent parking placards, to reduce the time a permanent placard is issued from six years to two years; provides that a person may renew a permanent handicapped parking placard twice, each for a period of two years, without any additional fee being charged the applicant; amends KRS 189.458, relating to temporary parking placards, to reduce the time a temporary placard is issued from six months to three months and deletes the ability to renew a temporary placard; amends KRS 189.990, relating to penalties for violations of traffic laws, to increase the penalty

for violating handicapped parking rules from a fine of \$20 to \$100 to a fine of \$250; provides that the fine moneys collected for a handicapped parking violation shall be collected and disposed by the circuit clerk into the State Treasury in accordance with KRS 24A.180, and that once deposited into the State Treasury, the fines are to be divided by sending 90% of the fine moneys collected to the personal care assistance program created under KRS 205.900 to 205.920, and sending the remaining 10% to the county where the violation occurred to be distributed equally to all law enforcement agencies within the county.

**HB 72**

AN ACT relating to nursing.

Amends KRS 314.011 to define “clinical internship”; amends KRS 314.041 to require an applicant for licensure as a registered nurse to complete a clinical internship within six months of being granted a provisional licensure; requires the internship to be at least 120 hours in length; authorizes the Board of Nursing to extend the time period for meeting the internship requirements; authorizes the board to promulgate administrative regulations establishing procedures related to the internship; permits a graduate of a prelicensure registered nurse program who has not successfully completed the licensure examination for a registered nurse to be eligible to take the examination for a licensed practical nurse upon completion of a board-approved practical nursing role delineation course; permits a graduate of a prelicensure registered nurse program who holds a practical nurse license from another jurisdiction to apply for licensure as a licensed practical nurse by endorsement; amends KRS 314.051 to require an applicant for licensure as a practical nurse to complete a clinical internship; amends KRS 314.071 to require each nursing license to be renewed for a period of time as determined by the board, rather than at least biennially; amends KRS 314.075 to delete the biennial licensure fee; amends KRS 314.089 to delete language authorizing the board, in cases where disciplinary action is imposed, to order that a temporary suspension continue in effect until the later of expiration of the time permitted for appeal or termination of the appellate process; amends KRS 314.091 to permit the board to take disciplinary action when a licensee, credential holder, or applicant has been convicted of any felony or a misdemeanor involving drugs, alcohol, fraud, deceit, falsification of records, breach of trust, physical harm or endangerment to others, or dishonesty under the laws of any state or of the United States; amends KRS 314.099 to include the expiration of a temporary permit as jurisdiction of the board; amends KRS 314.101 to discontinue the issuance of a temporary work permit to a new graduate of an approved school of nursing or to a nurse educated outside of the United States; amends KRS 314.108 to require a licensee to notify the board within 30 days of a final order by submitting a certified copy of the order and letter of explanation when a license is surrendered, suspended, or revoked; amends KRS 314.109 to exclude convictions for traffic-related misdemeanors from the list of offenses for which a licensee, upon conviction, must notify the board; and provides that the amendments requiring a nursing applicant to complete a clinical internship take effect on January 1, 2006.

**HB 82**

AN ACT relating to communicable diseases.

Amends KRS 211.180, 214.181, 214.625, and 214.645 to require each physician and other health care professionals receiving laboratory reports of a positive test for HIV to report the patient's name, rather than unique code, and other identifying information as required by the Centers for Disease Control and Prevention to the Cabinet for Health Services; requires the information to remain confidential and prohibits the release of any name or other identifying information; establishes requirements for the name reporting system; and creates a new section of KRS Chapter 214 to provide that a person who discloses the identity of a person who has been tested for HIV or who releases any name or identifying information of a person with HIV intentionally in violation of the prohibition against release is guilty of a Class A misdemeanor.

**HB 90**

AN ACT relating to health services and declaring an emergency.

Amends KRS 216B.450 to define "freestanding" psychiatric residential treatment facility (PRTF) and redefine a PRTF as a nine-bed facility rather than an eight-bed facility; amends KRS 216B.455 to require an agreement with at least one hospital in the application for a certificate of need for a PRTF; permits nonsubstantive review of certificate of need application to increase PRTF beds from 8 to 9, or 16 to 18; requires approval for facilities licensed and operating on the effective date of the Act if the facilities meet cabinet standards to be promulgated by administrative regulation; provides that any such application is exempt from any certificate of need moratorium; permits more than one freestanding PRTF on the same campus that is not in or on the grounds of a psychiatric hospital; establishes the total number of PRTF beds at 315 statewide, distributed among four hospital districts, rather than a specific number of beds per area development district; requires the cabinet to investigate the need for specialized children's services including services for sexual offenders, children with disabilities, and dual diagnoses; requires the cabinet to report by August 1, 2005, to the Governor and the Legislative Research Commission on a plan to meet children's specialized needs and establish a Medicaid reimbursement rate for specialized facilities; amends KRS 216B.459 to require Medicaid reimbursement rates for 9-bed facilities not to exceed rates for 18-bed facilities; amends KRS 6.940 to rename the Medicaid Managed Care Oversight Advisory Committee as the Medicaid Oversight and Advisory Committee and to expand duties beyond issues related to managed care; amends KRS 158.832 to add "anaphylaxis" to definitions relating to medications and self-administration; amends KRS 158.834 to permit self-administration of medications for students at risk of having anaphylaxis; and amends KRS 158.836 to permit a student to possess medications to treat anaphylaxis; EMERGENCY (partial, relating to anaphylaxis).

**HB 91**

AN ACT relating to adoption of the Uniform Child Custody Jurisdiction and Enforcement Act.

Creates new sections of KRS Chapter 403 to replace Kentucky's Uniform Child Custody Jurisdiction Act, adopted by Kentucky in 1980, with the Uniform Child Custody Jurisdiction and Enforcement Act drafted by the National Conference of Commissioners

on Uniform State Laws in 1997; amends KRS 403.270, 403.280, 403.740, and 403.750 to conform; and repeals KRS 403.400, 403.410, 403.420, 403.430, 403.440, 403.450, 403.460, 403.470, 403.480, 403.490, 403.500, 403.510, 403.520, 403.530, 403.540, 403.550, 403.560, 403.570, 403.580, 403.590, 403.600, 403.610, 403.620, and 403.630.

### **HB 92**

AN ACT relating to special military license plates.

Amends KRS 186.041, pertaining to special military-related license plates, to allow such plates to be issued for motorcycles; and amends KRS 186.050 to conform.

### **HB 96**

AN ACT relating to engineering.

Amends KRS 322.160 to change the date that all business entity permit renewals shall be completed from June 30 to December 31 of the year of expiration.

### **HB 97**

AN ACT relating to tobacco issues.

Amends KRS 141.010 to exempt moneys received from a tobacco quota buyout from the state income tax; amends KRS 131.602 to require nonparticipating manufacturers to base their escrow payments on the number of cigarette units sold in the state; and amends KRS 131.620 to allow the Attorney General to promulgate administrative regulations requiring nonparticipating manufacturers to make quarterly escrow payments and to produce information sufficient to enable the Attorney General to determine the adequacy of the escrow payments.

### **HB 108**

AN ACT relating to the protection of unborn children and declaring an emergency.

Creates, in Chapter 507A of the Penal Code, four new crimes relating to fetal homicide patterned after the four existing crimes of criminal homicide; sets out definitions for “abortion,” “health care provider,” and “unborn child,” with an unborn child being defined as “a member of the species homo sapiens in utero from conception onward, without regard to age, health, or condition of dependency;” exempts non-negligent actions of health care providers that cause the death of an unborn child if the actions were performed during an abortion or as part of diagnostic testing or therapeutic medical or fertility treatment; exempts any acts of a pregnant woman that caused the death of her unborn child; creates the crime of fetal homicide in the first degree, with the elements of the offense mirroring the elements of murder (KRS 507.020), with the exception that the victim be an unborn child; sets penalty for violation as a capital offense; creates the crime of fetal homicide in the second degree, with the elements of the offense mirroring the elements of manslaughter in the first degree (KRS 507.030), with the exception that the victim be an unborn child; sets penalty for violation as a Class B felony; creates the crime of fetal homicide in the third degree, with the elements of the offense mirroring the elements of manslaughter in the second degree (KRS 507.040), with the exception that the victim be an unborn child; sets penalty for violation as a Class C felony; creates the crime of fetal homicide in the fourth degree, with the elements of

the offense mirroring the elements of reckless homicide (KRS 507.050), with the exception that the victim be an unborn child; sets penalty for violation as a Class D felony; and provides that the death of an unborn child shall not result in the imposition of a sentence of death, either as a result of the violation of or as a result of the aggravation of another capital offense under KRS 532.025(2); EMERGENCY.

**HB 113**

AN ACT relating to the awarding of high school diplomas.

Amends KRS 158.140 to require local boards of education to award high school diplomas to certain honorably discharged veterans of the Korean War; and amends KRS 156.160 to require that if a school offers the Reserve Officers Training Corps program, the course be accepted as meeting the physical education requirement for high school graduation.

**HB 116**

AN ACT relating to the Kentucky Independence Plus through Consumer-Directed Services Program Act of 2004.

Creates new sections of KRS 205.510 to 205.645 to define “budget allowance,” “consumer,” “covered long-term care services and supports,” “fiscal intermediary,” “provider,” “representative,” and “service advisor”; requires the Cabinet for Health Services to establish the Kentucky Independence Plus through Consumer-Directed Services Program to provide an option within each of the home and community-based services waivers for enrolled persons to voluntarily participate by choosing providers of services and directing the delivery of those services to meet long-term care needs; permits a person in the program to be allocated a monthly budget allowance based on the results of his or her assessed functional needs, the person-centered plan, and the financial resources of the program; provides for the budget allowance to be disbursed from a cabinet-approved fiscal intermediary on behalf of the consumer; requires the Cabinet for Health Services to develop purchasing guidelines to assist the consumer in using the budget allowance to purchase needed, cost-effective services; requires the consumer to use the allowance to pay for nonresidential and nonmedical home and community-based services and supports that meet the consumer’s long-term care needs and that constitute a cost-effective use of the funds; permits the consumer to choose providers of services and allows the providers to be persons otherwise known to the consumer; establishes the duties of the consumer whether or not the consumer is the employer of record; establishes the duties of the cabinet and the fiscal intermediary; requires background screening as appropriate; authorizes the cabinet to promulgate an administrative regulation to implement the program; requires the cabinet to review and assess the implementation of the program and to report to the General Assembly by January 15 of each year; and provides that the workers’ compensation laws shall not apply to the provision of services between a provider and the state or the provider and the consumer.

**HB 135**

AN ACT relating to enhancing state electronic services to businesses.

Creates a new section of KRS Chapter 14 to allow the Secretary of State to accept electronic signatures to meet the filing requirements for businesses.

### **HB 149**

AN ACT relating to Hepatitis B vaccinations for postsecondary students.

Creates a new section of KRS Chapter 164 to require public and independent postsecondary education institutions to provide each first-time, full-time student with information, including symptoms, treatment, risk factors, and recommendations from the Centers for Disease Control and Prevention, about hepatitis B disease; and provides that neither the Cabinet for Health Services nor the postsecondary institution is required to provide or purchase the vaccination.

### **HB 152**

AN ACT relating to the Education Professional Standards Board.

Amends KRS 160.350 to update language relating to a superintendent's certificate and the role of the Education Professional Standards Board; amends KRS 161.028 and KRS 161.048 to provide consistency among requirements for alternative certification programs and options and to increase the renewal options for certain alternative certificates from two to three years; creates a new option for alternative certification; amends KRS 161.1221 to clarify timelines and to delete obsolete statements; provides gender neutral language; and makes technical changes.

### **HB 157**

AN ACT relating to services for individuals with brain injuries and making an appropriation therefor.

Amends KRS 189A.050 to increase the DUI service fees from \$250 to \$325 and specify that 16% of the service fee shall be credited to the Traumatic Brain Injury Trust Fund and the Cabinet for Health Services for providing services to individuals with brain injuries; creates a new section of KRS Chapter 210 to require the Cabinet for Health Services to create a telephonic behavioral health jail triage system to screen jail prisoners for mental health, suicide, mental retardation, and acquired brain injury risk factors, with the system consisting of a screening instrument to be used upon a prisoner's admission to jail, a telephonic hotline to be used at the discretion of the screening personnel if an increased risk factor is identified, and recommended protocols for the prisoner's housing, supervision, and care to reduce the identified risks; creates a new section of KRS Chapter 441 to permit detention facility personnel to use the triage system, hotline, and protocols at their discretion; creates new sections of KRS Chapters 23A and 24A to create an additional \$5 court costs fee to be allocated to the Cabinet for Health Services for the implementation and operation of a telephonic behavioral health jail triage system.

### **HB 162**

AN ACT relating to debts owed to the Commonwealth.

Creates a new section of KRS Chapter 45 to define terms; requires executive branch agencies and the Court of Justice to develop, maintain, and update an ongoing inventory of each debt owed to it, including debts due to improper payment; requires each agency and the Court of Justice to make every effort to collect the debt; directs the Auditor of Public Accounts to review each agency's debt identification and collection procedures as part of the annual audit of state agencies; prohibits an agency from forgiving any debt owed to it unless that agency has entered into a forgivable loan

agreement with a borrower or unless otherwise provided by statute; directs the Revenue Cabinet to promulgate administrative regulations prescribing standards and procedures for those agencies without statutory procedures for collecting debts; requires each agency and the Court of Justice to identify all liquidated debts (legal debts for which all appeals and legal actions have been exhausted) and submit them to the Revenue Cabinet for review; directs the Revenue Cabinet to determine the cost-effectiveness for the cabinet to further pursue collections of those liquidated debts; permits the cabinet to return a liquidated debt to the submitting agency or the Court of Justice under certain criteria, stating the reason in writing; requires the cabinet to identify the liquidated debts it determined cost-effective to pursue and request official referral to the cabinet; requires the submitting agency and the Court of Justice to retain a complete record of all referrals to the cabinet until the debt is collected or forgiven; requires each agency and the Court of Justice to make appropriate accounting of any uncollected debt as prescribed by law; directs that debt funds collected by an agency prior to referral be retained by the agency according to its statutory authority; directs that liquidated debts referred to the Revenue Cabinet be subject to interest and a 25% collection fee, unless waived by the cabinet; requires any debts recovered by the cabinet, plus the interest and collection fee, to be deposited in the general fund, except for Medicaid benefits and funds required by law to be remitted to a federal agency; permits the cabinet to deduct and retain from the recovered liquidated debt an amount equal to the lesser of the cost of collection fee or the actual expense incurred in the collection of the debt; directs that the Revenue Cabinet is not prohibited from entering into an agreement with an agency for collection of debts prior to liquidation; directs that the agency entering into the agreement retains collection funds in accordance with the provisions of the agreement; exempts from the liquidated debt collection provisions for agreements between the cabinet and an agency that are in effect on the effective date of this Act; exempts the collection of delinquent taxes by county attorneys under KRS 134.500 and the collection of performance or reclamation bonds; directs the cabinet to prescribe, by administrative regulation, the format and form of a referral and the information to be included in it; requires the Revenue Cabinet, each of the other cabinets, and the Court of Justice to report annually to the Interim Joint Committee on Appropriations and Revenue; requires the General Government Cabinet's report to be done by the Finance and Administration Cabinet; prescribes the contents of the reports; requires information about liquidated debts submitted to the Revenue Cabinet to be provided by the referring agency and the Court of Justice to the State Treasurer for the treasurer's action under existing law regarding payments of claims against the state when the person is indebted to the state; amends KRS 44.030 to conform; amends KRS 131.030 to direct that the Revenue Cabinet has all powers and duties necessary to collect any debts owed to the Commonwealth that are referred under the process established; amends KRS 131.565, relating to state agencies' establishment of claims against Kentucky individual income tax refunds, to include the Court of Justice in the meaning of "state agency" for purposes of this section; requires state agencies with provisions in statutes or administrative regulation for debtor appeal and hearing rights, rather than state agencies that desire to do so, to establish claims against tax refunds; requires a state agency to furnish its list of all liquidated debts for which withholding of tax refunds is required to the Revenue Cabinet by dates agreed to by the Revenue Cabinet and each state agency, rather than by the date of the following December 31; permits the Revenue

Cabinet to decline the withholding of individual income tax refunds from agencies if the request would adversely impact the operation of the Revenue Cabinet; amends KRS 131.585 to conform; creates a new section of KRS Chapter 45 to require the Court of Justice to implement a system for tracking and identifying debts; requires the Court of Justice, the Justice Cabinet, and the Revenue Cabinet to collaborate on the collection of old court debts; prohibits the divulging of confidential information shared among these entities; and requires an annual report of the collection of these debts to the Legislative Research Commission beginning October 1, 2005, and ending October 1, 2009.

### **HB 163**

AN ACT relating to school finance.

Creates new provisions of KRS 160.613 to 160.617 and amends existing language to require the Revenue Cabinet to collect and administer the utilities gross receipts tax on behalf of school districts; adopts definitions and sourcing rules included in the sales and use tax; establishes parameters for the filing of returns, the payment of tax, the audit of returns, the assessment of additional tax, and the imposition of penalties and claims for refund; sets forth procedures regarding the allocation of payments among school districts and the process that must be followed if there is a boundary disagreement among school districts; provides that taxes collected by the cabinet be remitted to the cabinet for administrative purposes only and shall remain the property of the local school districts levying the tax; makes distributions back to local school districts on a monthly basis; and authorizes the cabinet to retain actual costs incurred in administering the tax, not to exceed 1% of collections.

### **HB 167**

AN ACT relating to the Kentucky Native American Heritage Commission.

Creates new sections of KRS Chapter 171 to establish the Kentucky Native American Heritage Commission to promote, in partnership with the Education, Arts and Humanities Cabinet, awareness of significant Native American influences within the historical and cultural experiences of Kentucky; directs that the commission consist of 17 members appointed by the Governor; establishes membership, terms, reimbursement of expenses, meetings, quorum, and formation of committees; directs the Governor to appoint a chair and vice chair; authorizes the commission to seek and accept grants or raise funds; attaches the commission to the Kentucky Heritage Council for administrative purposes and sets forth the council's administrative responsibilities; establishes the duties of the commission; and amends KRS 2.230, relating to observation of November as "Native American Indian Month," to conform.

### **HB 176**

AN ACT relating to school accountability.

Amends KRS 158.6455 to require that a student's test scores be counted in the accountability index of a school if the student is enrolled in the school for at least 100 days prior to the beginning of the statewide testing window, in the accountability index of a district if the student is enrolled in the district for at least 100 days prior to the beginning of the statewide testing window, and in the accountability index of the state if



the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing window.

**HB 178**

AN ACT relating to student dropouts.

Amends KRS 158.145 to require that all students who drop out of school shall be included in the statewide annual average dropout rate, including students who have not graduated, fail to enroll in the school for the following school year, and do not transfer to another school; amends KRS 158.6455 to establish that a student shall not be included in a school's annual average dropout rate if the student is enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a GED; requires such a student to participate in the appropriate CATS assessments; requires that a student who has withdrawn from school and is awarded a GED diploma by October 1 of the following school year shall not be included in the school's annual average dropout rate; requires that a student be counted in the school's annual average dropout rate if the student was enrolled in the school of record for at least 30 days during the school year prior to the day he or she was recorded as dropping out of school; and amends KRS 158.146 to clarify that no state or federal funds appropriated for adult education and literacy are to be used to pay for a high school student enrolled in a district-operated or district-contracted alternative program leading to a certificate of completion or a GED.

**HB 189**

AN ACT relating to court-appointed special advocate programs.

Amends KRS 620.500 to create additional definitions relating to the court appointed special advocate (CASA) program used in dependency, neglect, and abuse cases; amends KRS 620.505 to allow for administration of CASA program in circuits having family courts; provides for required accounting for funds received and expended; requires adherence to state CASA standards in addition to national CASA standards; reduces the maximum caseload for a CASA worker from 50 children to 30 children; amends KRS 620.510 to raise the minimum age of a CASA volunteer from 18 to 21; raises the minimum training for a CASA volunteer from 15 hours to 30 hours; and amends KRS 620.520, 620.537, and 620.540 to conform.

**HB 199**

AN ACT relating to roads.

Amends various sections of KRS Chapter 178, relating to county and public roads, to delete references to roads adopted into the county road system after July 1, 1914; amends KRS 178.010 to require a private road, street, or highway being given as a gift to a county after the effective date of the Act to meet minimum construction standards established by a fiscal court; amends KRS 178.025 to make uniform at 15 years the time a road used by the general public is presumed to be a public road; deletes references to how the width of a public road is measured in the absence of any record; amends KRS 178.040 to require that all county roads and all public roads that are being adopted in a county road system after the effective date of the Act occupy a minimum 30-foot right-of-way width, unless the fiscal court finds the 30-foot minimum cannot be met due to the topography of the road or other extraordinary circumstances; provides that all

county roads and public roads in existence prior to the effective date of the Act shall be exempt from the minimum 30-foot right-of-way requirement; amends KRS 178.070 to require notices for a road being discontinued to be posted at three prominent and visible public places within one mile of the road; requires the viewers appointed by the fiscal court to have no vested interest in the discontinuance of the road; requires the viewers' report to be presented at a public meeting of the fiscal court; amends KRS 178.117 to expand to all counties the provisions governing persons wanting to personally pay for improvements to a public road; amends KRS 178.080, 178.100, 178.115, 178.405, and 178.415 to conform; and repeals KRS 178.155 governing the effect of lack of maintenance of a road by a county for 15 years.

### **HB 200**

AN ACT relating to independent contractors.

Creates a new section of KRS Chapter 317 to require that the barbering board not hold a barber shop licensee responsible for violations of that chapter or violations of administrative regulations promulgated pursuant to that chapter that are committed by an independent contractor; and prohibits the cosmetology board from making beauty salon and nail salon owners responsible for statutory violations of KRS Chapter 317A or violations of administrative regulations promulgated pursuant to that chapter that are committed by an independent contractor.

### **HB 202**

AN ACT relating to sewer systems.

Repeals and reenacts KRS 65.115 without the exclusion for urban counties; requires any entity that furnishes sewage treatment service to customers of another sewer system by using its installations to pay just compensation; grants the power of eminent domain over sewage treatment facilities; and permits entities to recover costs through surcharge to customers.

### **HB 225**

AN ACT relating to military discharge papers.

Amends KRS 422.090 to establish procedures for county clerks to follow in the release and the destruction of military discharge papers; establishes procedures for county clerks to follow with regard to military discharge papers filed before the effective date of the Act and commingled with documents unrelated to military discharge papers.

### **HB 226**

AN ACT relating to wireless communications.

Amends KRS 11.5162 to expand the definitions of "frequency," "interoperability," and "standards" and creates definitions for "public safety shared infrastructure" and "primary wireless public safety voice or data communications systems"; amends KRS 11.5163 to require all local agencies to submit project plans for primary wireless public safety voice or data communications systems to the Kentucky Wireless Interoperability Executive Committee for review and recommendations; requires state agencies to present project plans to the committee for review and recommendations; requires the committee to forward the plans to the chief information

officer for final approval; requires the chief information officer to review project plans for primary wireless public safety voice or data communications systems of state agencies and to determine whether they meet required architecture and standards; and requires the Kentucky Wireless Interoperability Executive Committee to develop funding and support plans for public safety shared infrastructure and to make recommendations to the chief information officer, the Governor, and the General Assembly.

**HB 242**

AN ACT relating to public health.

Provides that “hospital” include an acute care hospital licensed by the Commonwealth, for the purposes of allowing an authorized staff physician to order the admission into a hospital of any person who is present or is presented at the hospital.

**HB 251**

AN ACT relating to lost and missing children.

Creates new sections of KRS Chapter 199 to institute the “Code Adam” program for the location of children who become lost or missing in state buildings; assigns responsibility for program to Finance and Administration Cabinet; and specifies action and reporting requirements.

**HB 258**

AN ACT relating to fee officials.

Amends KRS 64.345 relating to expenses of county clerks and sheriffs in counties having a population of 70,000 and more, counties containing a city of the first class, and an urban-county or consolidated local government to specify that necessary office expenses shall include discretionary funds as specified and authorized by the approving authority; and amends KRS 70.045 to permit a sheriff in a county with a population less than 10,000 to appoint a special deputy for each 1,000 in population.

**HB 262**

AN ACT relating to accessible electronic information for the disabled, and making an appropriation therefor.

Creates new sections of KRS Chapter 163 to provide legislative findings and declarations; defines “accessible electronic information service” and “blind and disabled persons”; creates the Accessible Electronic Information Service Program and provides the scope of the program; requires the program to be administered ~~by a nonprofit entity selected (this provision was a partial veto regarding section 3 in its entirety)~~ by the Department for the Blind and provides that ~~the Department for the Blind shall administer funding to participating entities (this provision was a partial veto regarding section 3 in its entirety); requires each entity participating in the program to submit an annual report to the Department for the Blind and specifies information to be included in the report (this provision was a partial veto regarding section 3 in its entirety); creates a new section of KRS Chapter 278 to require the Public Service Commission, the Department for the Blind, and the entity or entities that participate in the program to consult on the annual surcharge to customers (section 4 was vetoed in its entirety);~~ names short title of Act to be “Accessible Electronic Information Act.”

**HB 264**

AN ACT relating to governmental authority.

Creates a new section of KRS Chapter 246 to prohibit tampering with or sabotaging livestock; amends KRS 246.990 to specify penalties for tampering with or sabotaging livestock; amends KRS 512.010 to include “cattle” within the definition of “property” for the purpose of the criminal mischief statutes; amends KRS 13A.312 to establish the procedures for upgrading administrative regulations to conform to reorganizations made either by statute or executive order.

**HB 283**

AN ACT relating to eggs.

Amends KRS 260.630 to require that certain language be used on wholesale egg packs and graded egg packs to determine whether the expiration dates occur 30 or 45 days from packing.

**HB 286**

AN ACT relating to bovine animal assessments.

Amends KRS 247.610 to encourage the use and sale of bovine animal products; amends KRS 247.625 to permit assessments to be used in programs to increase the use and sale of bovine animal products; amends KRS 247.650 to allow an assessment up to one dollar per head of bovine animals if the assessment is adopted by a state referendum of bovine producers; amends KRS 247.652 to impose the state assessment of up to one dollar per head of bovine animals if the federal assessment is discontinued; and makes technical corrections.

**HB 287**

AN ACT relating to porcine animal assessment referendums.

Creates new sections of KRS Chapter 247 to allow a recognized pork association to apply to the State Board of Agriculture to conduct referendums to levy an assessment on the sales of porcine animals; authorizes the association to conduct referendums on an areawide or statewide basis; requires the Commissioner of Agriculture to establish the manner in which a referendum is held; limits any referendum from assessing more than 50 cents per hundred dollars’ worth of sales on porcine animals; restricts the collection of any pork assessment as long as the federal pork checkoff is in effect; requires licensed livestock operators, meat packers, and slaughter establishments to collect the assessment; establishes the procedure for a producer to get a refund of his or her assessment; requires an annual review of the assessment program by the board; allows the termination of the assessment program; and allows for the board or association to enjoin livestock operators, meat packers, and slaughter establishments from violating any provisions of the Act.

**HB 290**

AN ACT relating to retirement.

Amends KRS Chapters 16 and 61 relating to benefits in the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS), and State Police Retirement System (SPRS); prohibits the use of purchased service credit toward eligibility for retirement or for insurance benefits for employees who begin participating

August 1, 2004, or after; sets the benefit factor for employees in nonhazardous positions in the County Employees Retirement System hired August 1, 2004, or after at 2%; establishes a minimum disability benefit for employees in KERS, CERS, and SPRS hired August 1, 2004, or after; establishes a monthly insurance contribution accrual increased by the consumer price index for employees who began participating July 1, 2003, and after; and prohibits the use of purchased service toward insurance benefits if purchased by current employees after August 1, 2004.

**HB 292**

AN ACT relating to revenue and taxation and declaring an emergency.

Creates a new section of KRS Chapter 142 to establish a provider assessment on nursing facilities equal to 2% of gross revenues received from non-Medicare patients; provides for an additional assessment not to exceed 4% on gross receipts from non-Medicare patient days with a rate that may be varied based upon a facility's total annual census days, if deemed an acceptable waived class by the Centers for Medicare and Medicaid Services; provides that a portion of the funds generated through the assessment may be used to increase reimbursement rates for nursing facilities and the remainder for the Medicaid program; provides that the Cabinet for Health and Family Services, Department for Medicaid Services, shall submit an application for a waiver; provides that the provisions are void if the waiver is not approved by the Centers for Medicare and Medicaid Services; creates a new section of KRS Chapter 142 to provide for an assessment equal to 5.5% of gross revenues received by intermediate care facility services for the mentally retarded and Supports for Community Living Waiver Program participants; provides that funds shall be used for rate increases for the intermediate care facility services for the mentally retarded and Supports for Community Living Waiver Program participants, and the remainder for the Medicaid program; provides that the Cabinet for Health and Family Services, Department for Medicaid Services shall submit an application for a waiver; provides that the provisions are void if the waiver is not approved by the Centers for Medicare and Medicaid Services; creates a new section of KRS Chapter 154.20 to provide that an investment fund may invest 100% of its committed cash contributions in a single knowledge-based entity; provides that a city, county, other local governments entity, or any entity approved by the Kentucky Economic Development Finance Authority may invest in an investment fund and may transfer any tax credits received pursuant to Kentucky Investment Fund Act to a private entity; amends KRS 136.071 to provide that a bank holding company that holds directly or indirectly stock or securities in financial institutions equal to or greater than 50% of its total assets may deduct from capital employed its investment in stock and securities of the financial institution; provides that the provisions apply retroactively for tax periods beginning on or after January, 1, 2003; provides that in computing taxable capital under KRS Chapter 136, agricultural credit associations may deduct the book value of their investment in other wholly owned institutions chartered by the farm credit administration that are subject to the tax or are exempt from the tax; provides that notwithstanding any statutory law or any administrative regulation that any debt approved and funded by the Bluegrass State Skills Corporation or the Kentucky Economic Finance Authority may be renegotiated, amended, or forgiven and any debt collected on behalf of the Bluegrass

State Skills Corporation or the Kentucky Economic Finance Authority shall be returned to the entity from which the debt originated.

**HB 295**

AN ACT relating to administrative regulations and declaring an emergency.

Creates a new section of KRS Chapter 13A to declare the administrative regulations found deficient by the Administrative Regulation Review Subcommittee or any other committee since March 27, 2002, to be null, void, and unenforceable; and prohibits the administrative agencies from promulgating administrative regulations identical to or substantially the same as those administrative regulations for a specified period of time; EMERGENCY.

**HB 297**

AN ACT relating to contracts for the payment of taxes.

Creates a new section of KRS Chapter 371 to provide that if a contract calls for one party to reimburse another for the manufacturers' excise tax on petroleum products levied under Part III of Subchapter A of Chapter 32 of the Internal Revenue Code, then the reimbursement shall not be required more than one business day before the tax has to be remitted; requires written notification of the reimbursed party; and allows security for the tax due.

**HB 305**

AN ACT relating to retail agreement contracts and declaring an emergency.

Amends KRS 365.800 to define "consumer products," "superseded parts," and "supplier"; amends KRS 365.810 to require the purchase or repurchase of repair tools, certain hardware, software, telecommunications equipment, and inventory used for demonstration or lease purposes; requires, upon termination of a retail agreement contract, a supplier to purchase signage from a retailer at its amortized value, to reimburse employee training costs incurred within one year of the termination of a contract, and to purchase at their amortized value trade fixtures and other improvements required by a supplier; amends KRS 365.815 to allow retailers to purchase equipment held under recourse contracts; amends 365.830 to establish the procedure for heirs of retailers and their suppliers to liquidate or renew contracts; amends KRS 365.835 to require a supplier to accept inventory from a retailer if the supplier does not inspect the inventory within 60 days of a notice of termination of a contract; amends KRS 365.840 to establish the effective date for the Act to affect retail contracts; creates new sections of KRS 365.800 to 365.840 to describe what constitutes "good cause" to terminate a retail contract; specifies the conditions under which a notice of termination is required from a supplier to a retailer; prohibits a supplier from coercing a retailer; establishes the procedure for suppliers to reimburse retailers for warranty work; specifies that the provisions in the Act are not waivable in any retail agreement contract; amends KRS 365.805, 365.820, and 365.825 to conform; and makes technical corrections; EMERGENCY.

**HB 309**

AN ACT relating to school employees' sick leave.

Amends KRS 161.155 to require local school boards to award a minimum 10 days of sick leave during the school year to all full-time classified employees, as well as full-time certified employees as previously required; establishes guidelines for use of sick days and accumulated sick time; and amends definition to include the immediate family members of all school employees.

**HB 319**

AN ACT relating to establishing bank branches.

Amends KRS 287.920, pertaining to establishing bank branches by an interstate merger, to provide that if the laws of the home state of the out-of-state bank place more restrictive terms or conditions on Kentucky banks seeking to acquire or merge with a bank in the home state of the out-of-state bank, the interstate merger may be allowed in Kentucky only under substantially the same terms and conditions as applicable to Kentucky state banks in the home state of the out-of-state bank.

**HB 321**

AN ACT relating to the practice of dentistry.

Amends KRS 216.940 to include a dentist who practices within the scope of practice for dental licensure under KRS Chapter 313 within the definition of "charitable health care provider"; amends KRS 304.40-075 to include a dentist who practices within the scope of practice for dental licensure under KRS Chapter 313 within the definition of "charitable health care provider"; amends KRS 313.445 to permit a dentist with a specialty license to provide general dental procedures as a charitable health care provider; and limits the practice of dental specialists and general dentists to procedures that the dentist is competent to perform by training, experience, and education.

**HB 322**

AN ACT relating to children with disabilities.

Amends KRS 200.505 to add the director of the Office of Family Resource and Youth Services Centers and the general manager of the Office of Juvenile Services of the Administrative Office of the Courts to the State Interagency Council for Services to Children with an Emotional Disability; creates a new section of KRS Chapter 210 to require the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities and the Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses to establish a joint ad hoc committee to make recommendations on plans of action for children transitioning from children's services systems to adult services systems; specifies membership; requires a preliminary report by October 30, 2004, and a final report by December 30, 2004, to the commissions and the Interim Joint Committee on Health and Welfare; creates a new section of KRS Chapter 164 to require a postsecondary education institution to give first-floor housing priority to a student who informs the institution of a disability or certain developmental impairments; provides that an institution that does not have first-floor housing available must allow the student to live elsewhere on-campus or off-campus; and requires the

institution to maintain a record of any on-campus housing assignment for the student and to alert appropriate safety and emergency personnel of the location of the student.

**HB 323**

AN ACT relating to critical access hospitals and declaring an emergency.

Amends KRS 216.380 to authorize a critical access hospital to increase its acute care bed capacity from 15 to 25 beds without obtaining a certificate of need; permits a critical access hospital to operate a distinct psychiatric unit or distinct rehabilitation unit, with a maximum of 10 beds per unit, subject to certificate of need approval; excludes the psychiatric unit and the rehabilitation unit beds from calculations used to determine the number of beds or the average length of stay for purposes of applying limitations; and includes noncodified language to prohibit an acute care hospital from converting to a critical access hospital until after June 30, 2006, unless the hospital either has a feasibility study funded through the Kentucky State Office of Rural Health or has filed a written request by February 1, 2004, for a feasibility study to be funded through the Kentucky State Office of Rural Health; EMERGENCY.

**HB 331**

AN ACT relating to airport safety and security.

Amends KRS 183.137, relating to contracts for airports, to limit airport boards' contract performance to entities actually contracted with unless the airport board consents to the assignment and assumption of a contract with a new entity after reviewing factors deemed important by the airport board, including impact on airport safety and security.

**HB 341**

AN ACT relating to the practice of pharmacy.

Amends KRS 315.010 to expand the definition of "practice of pharmacy" to include the dispensing of biologics and the administration of adult immunizations pursuant to a prescriber-approved protocol; and names Act as the "Robert L. Barnett, Jr. R. Ph. Act."

**HB 342**

AN ACT relating to vaccination for meningococcal meningitis disease.

Creates a new section of KRS Chapter 164 to state the General Assembly findings and declarations relating to meningococcal meningitis disease; requires public or private educational institutions that offer postsecondary degrees to provide vaccination information on meningococcal meningitis disease to full-time students living in resident housing; requires information to be detailed as to risks of the disease and to include recommendations from the Centers for Disease Control and Prevention; requires the information to be provided in the student housing or enrollment application or lease document and requires information to include a space for indicating whether the student has received the vaccination; requires any information collected to be confidential; and provides that neither the Cabinet for Health Services nor the educational institution is required to provide or purchase the vaccination.



**HB 362**

AN ACT relating to alcoholic beverages.

Creates new sections of KRS Chapter 244 to declare a legislative finding of the need for an orderly three-tier system for the sale and distribution of malt beverages to promote public health, safety, and welfare and facilitate the collection and accountability of state and local taxes; defines “good cause,” “affected distributor,” and “good faith”; requires every brewer and importer of malt beverages to contract and agree in writing with each of its distributors to specify the rights and duties of the parties in regard to the sale of the brewers’ and importers’ products; prohibits certain specified actions either in agreements between the parties entered into after the effective date of the Act or in any renewal or extension of agreements existing prior to the effective date of this Act; establishes good cause reasons for termination of an agreement by a brewer or importer; requires the distributor to maintain adequate physical facilities and personnel; requires brewers, importers, and distributors to act in good faith at all times during the term of the contract or agreement; establishes damages to be paid by the party that engaged in the prohibited conduct, including costs incurred by the brewer or distributor; declares that under certain specified circumstances reasonable damages are the fair market value of the distributor’s business unless there are liquidated damages agreed by the parties in the agreement; authorizes the court to act in its discretion to consider attorney fees reasonably incurred as a result of the prohibited conduct; amends KRS 244.590 to permit a brewer or distributor to give, rent, loan, or sell to a malt beverage retailer certain specified advertising matter and to provide or furnish draught-line cleaning or coil-cleaning service to a malt beverage retailer either directly or indirectly with the consent of the distributor.

**HB 373**

AN ACT relating to the taxation of abandoned urban property.

Creates a new section of KRS Chapter 92 to allow cities of all classes to levy a separate rate of taxation on abandoned urban property; stipulates that prior to levying a tax upon abandoned urban property, the city legislative body shall delegate responsibility to the vacant properties review commission or another department or agency of city government for determining which properties within the city are abandoned properties; requires a list of abandoned properties to be furnished to the county property valuation administrator; and amends KRS 132.012 and all sections of KRS 99.705 to 99.730 to conform.

**HB 376**

AN ACT relating to the homelessness prevention pilot project.

Creates a new section of KRS Chapter 194A to direct, subject to sufficient funding, the Cabinet for Health Services, the Justice Cabinet, and the Cabinet for Families and Children to develop and implement a homelessness prevention pilot project that offers institutional discharge planning on a voluntary basis to persons exiting from state-operated or supervised institutions involving mental health and foster care programs and to persons serving out their sentences from any state-operated prison in Oldham County; directs the pilot project to be jointly supported by each of the cabinets; provides for one office for the pilot project in a family resource center or Department for

Community Based Services building in Jefferson County due to its urban population to serve persons exiting from a mental health facility or serving out a sentence from the state prison, and for one office in Clinton, Cumberland, McCreary, or Wayne County due to their rural population to serve persons aging out of a foster care facility in those counties; establishes the components of the pilot project to include the primary goal of preparing a limited number of persons in a foster home under supervision by the Cabinet for Families and Children, the corrections facility in Oldham County, and the mental health facility under supervision by the Cabinet for Health Services for return or reentry into the community, and offering information about any necessary linkage of the person to needed community services and supports; provides that at least six months prior to discharge, one of each five persons discharged will be offered the opportunity to participate in the pilot program, with a cap on persons served in each office determined by available funding and staffing requirements; requires the cabinets to collect information on available employment, social, housing, medical, mental health, and other community services in the county, and to develop a program of education for each cabinet, foster home, and facility staff who will participate in the development of a discharge plan for eligible persons; requires all applicable privacy and confidentiality laws to be followed; requires the staff member designated as the homelessness prevention coordinator for each foster home and mental health facility to maintain a file for each volunteer participant relating to the participant's employment, social, housing, educational, medical, and mental health needs; requires the staff member designated as the homelessness prevention coordinator for the appropriate state-operated prison participating in the pilot project to maintain a file containing appropriate forms completed and updated by each person voluntarily participating in the pilot project; requires, six months prior to the expected date of discharge, the discharge coordinator for each foster home and mental health and state-operated prison facility to contact the homelessness prevention director for Jefferson County or the homelessness prevention director for Clinton, Cumberland, McCreary, or Wayne County, as appropriate, about the pending release of the volunteer participant who is eligible for discharge from a foster home or mental health facility or who will have served out his or her sentence in a state-operated prison facility that is participating in the pilot project; requires the director to visit the home or facility, as appropriate, to assist with the preparation of the final comprehensive discharge plan; requires the director and the discharge coordinator for each participating foster home and mental health and state-operated prison facility to work together to develop a final comprehensive discharge plan that addresses the employment, health care, educational, housing, and other needs of the person to be released, subject to the consent of the person and the funding and staffing capabilities of the director; requires the discharge plan to contain the estimated discharge date from the foster home, state-operated prison facility, or mental health facility, the educational background of the person to be released, including any classes completed or skills obtained by the person while in the foster home, state-operated prison facility, or mental health facility, the person's medical and mental health needs, other relevant social or family background information, a listing of previous attempts to arrange for post-release residence, employment, medical and mental health services, housing, education, and other community-based services for the person, and other available funding and public programs that may reimburse any services obtained from a provider listed in the

discharge plan; requires efforts to be made in the discharge plan to refer the person to a provider that has agreed to an arranged public or private funding arrangement; provides that the discharge plan will not be completed unless written consent, consistent with state and federal privacy laws, has been obtained from the person being released; provides that the director will assist with the completion of a final comprehensive discharge plan that may include the availability of appropriate housing, including, but not limited to, a 24-month transitional program, supportive housing, or halfway house, although discharge to an emergency shelter is not appropriate; requires the plan to include information about appropriate treatment services for participants who require follow-up treatment, the availability of appropriate employment opportunities, including assessment of vocational skills and job training, and the identification of appropriate opportunities to further education; requires the discharge plan to be individualized, comprehensive, and coordinated with community-based services; requires the discharge plan to create a continuous, coordinated, and seamless system that is designed to meet the needs of the person; requires staff of the foster home or facility and staff of community-based services providers to be involved in the planning; requires each facility to utilize, wherever possible, community-based services within the facility to establish familiarity of the person residing in the facility with the community services; requires the Department of Corrections to, through an administrative regulation promulgated in accordance with KRS Chapter 13A, develop a discharge plan that addresses the education, employment, technical and vocational skills, and housing, medical, and mental health needs of a person who is to be released after serving out his or her sentence in a state-operated prison facility participating in the pilot project; provides that appropriate data about discharge placements and follow-up measures shall be collected and analyzed, with the analysis to be included in the interim and final reports of the pilot program; requires each homelessness prevention director to have regular meetings with appropriate state cabinet and agency staff to review the pilot project and make recommendations for the benefit of the program; requires each director to be assisted by a local advisory council composed of local providers of services and consumer advocates who are familiar with homelessness prevention issues, with priority for membership on the advisory council to be given to existing resources and regional mental health and substance abuse advisory councils at the discretion of the director; requires each cabinet to collect data about the discharge plans, referrals, costs of services, and rate of recidivism related to the homelessness prevention program and to submit an annual report to the Governor and the Legislative Research Commission no later than October 1, that summarizes the data and contains recommendations for the improvement of the program; and requires the annual report to be forwarded to the Kentucky Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities, the Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses, and the Kentucky Housing Corporation Homelessness Policy Council.

**HB 396**

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.

The Judicial Branch Budget: appropriates in the Court of Justice moneys from the General Fund, Restricted Funds, and Federal Funds totaling \$234,648,400 in fiscal year 2004-2005 and \$242,990,500 in fiscal year 2005-2006; provides a 1.5% salary adjustment in fiscal year 2004-2005 and 3% salary adjustment in fiscal year 2005-2006 for nonelected court personnel and justices and judges; includes funds for the salaries of circuit clerks and trial commissioners in fiscal year 2004-2005 and fiscal year 2005-2006 as recommended in the Judicial Branch Budget Recommendation; includes funds for existing and additional drug courts and family courts; includes funds for additional deputy clerk, architect, and facilities officer positions; provides for the 2003 actuarial assessed need for the Judicial Form Retirement System; provides that funding for previously authorized court facilities shall not be reduced; limits additional funding to General Fund support to replace the loss of Federal Funds and Restricted Funds support for existing drug courts totaling \$2,768,700 in fiscal year 2005 and \$5,612,200 in fiscal year 2006; provides additional General Fund support totaling \$482,000 in fiscal year 2004-2005 and \$1,486,900 in fiscal year 2005-2006 for a cost-of-living adjustment for nonelected personnel and circuit clerks to help offset the rising cost of employee health insurance premiums; allocates \$225,000 each year to be provided for the Kentucky Legal Education Opportunities Program; ~~restricts the Chief Justice of the Supreme Court from utilizing funds allocated for increments, COLA, and health insurance premiums for deputy clerk salary enhancements for Restricted Funds and General Fund positions and other Judicial Branch positions from being utilized for any other purpose or for any unfunded initiatives not specified in the Act; prohibits allowing staffing levels to fall below those on January 1, 2004; (these provisions were a partial veto regarding Parts I and III)~~ requires annual reports by the judicial branch to the Legislative Research Commission or the Interim Appropriations and Revenue Committee on the amount of arrest fees remitted to law enforcement agencies and amount and nature of uncollected court fees.

### **HB 397**

AN ACT making appropriations for the operation, maintenance, and support of the legislative branch of the Commonwealth of Kentucky.

The Legislative Branch Budget: appropriates from the General Fund \$40,616,400 for fiscal year 2004-2005 and \$40,616,400 for fiscal year 2005-2006; appropriates from Restricted Funds \$115,000 for fiscal year 2004-2005 and \$200,000 for fiscal year 2005-2006;

Appropriations are allocated as follows:

GENERAL ASSEMBLY

2004-2005               \$13,377,300

2005-2006               \$13,387,300

LEGISLATIVE RESEARCH COMMISSION

2004-2005               \$27,354,100

2005-2006               \$27,429,100

**HB 398**

AN ACT relating to school board elections.

Amends KRS 160.210 to specify that county school board terms of office are filled by the state school officer when there are no candidate filings, and that independent school board terms of office shall be filled by the state school officer when there are no candidate filings, unless a number of candidates equal to or greater than the number of positions to be filled file petitions for nomination.

**HB 400**

AN ACT relating to vital statistics.

Amends KRS 213.141 to require the state registrar to furnish birth and death certificates for free under certain circumstances for current or past members of the armed forces including the Kentucky National Guard; clarifies that birth certificates shall be provided at no charge to members of the Kentucky National Guard who are being deployed within 60 days of requesting the birth certificate.

**HB 404**

AN ACT relating to land use.

Amends KRS 100.111 to specify the conditions under which certain equine-related activities are defined as agricultural uses under planning and zoning and are, or are not, subject to zoning regulation; amends KRS 100.203 to specify equine uses begun after the effective date of the Act on tracts of land five acres or more that may be subject to conditional use permits.

**HB 406**

AN ACT relating to fire protection districts.

Amends KRS 75.040 to allow a fire protection district or a volunteer fire department district that operates an emergency ambulance service and is the primary service provider in the district to levy a tax upon the property in the district not to exceed 20 cents per \$100 of valuation as assessed for county taxes; and amends KRS 75.015 to conform.

**HB 412**

AN ACT relating to the merger of fire protection districts.

Amends KRS 75.020 to delete language that would prohibit a new merger petition or the changing of boundaries for newly merged district for a period of two years.

**HB 413**

AN ACT making an appropriation to local government public safety and declaring an emergency.

Creates new sections of KRS Chapters 23A and 24A to define "local government" and "police department"; requires the payment of an additional \$20 for district and circuit court cost fees for distribution to local governments with police departments, local governments who use contracted police services, counties with jails, and counties that transport prisoners; requires the circuit clerk to remit funds to the Finance and Administration Cabinet for quarterly distribution to local governments; specifies 30% of

the funds to be distributed equally for local police departments or contracted police services, 50% to be distributed on a per capita basis based upon the number of certified police officers as prescribed, and 20% to be distributed to counties for jails or the transporting of prisoners; requires the Justice Cabinet to annually certify the number of certified police officers employed by each local police department; requires local governments to annually certify the amount expended for contracted police services to the Finance and Administration Cabinet; authorizes the Finance and Administration Cabinet to promulgate administrative regulations; and repeals KRS 24A.190, 24A.191, 24A.192, and 24A.193; EMERGENCY.

#### **HB 418**

AN ACT relating to the Kentucky Asset/Liability Commission.

Amends KRS 56.8605, relating to the Kentucky Asset/Liability Commission, to change the definition of “authorized project” to include projects that will be payable from receipts of federal transportation funds; changes the definition of “project notes” to mean notes issued with a final maturity of not more than 20 years, instead of 10 years; and amends KRS 56.863 to clarify the duties of the commission relating to financial matters.

#### **HB 420**

AN ACT relating to public accountancy.

Amends KRS 322.280 to permit the board to grant a privilege to practice regulated activities to an applicant whose principal place of business is not in this state; changes the application cost for the privilege from \$200 to \$100; requires the holder of the privilege to notify the board immediately if the license in the applicant’s home jurisdiction becomes inactive, lapses, or is subjected to disciplinary action; requires that the privilege be automatically suspended or revoked if the home jurisdiction takes identical action on the license upon which the privilege is granted; requires that the privilege expire at the earlier of a period of two years or until the license upon which the privilege is granted expires; permits the privilege to be renewed; permits the board to take disciplinary action against a licensee for an act committed in another state if the act at the time of its commission is a violation of this chapter; amends KRS 325.431 to exempt from the privilege extended the peer review committee’s proceedings, records, workpapers, correspondence, and reports of the peer review program obtained by the board from a licensee or applicant seeking licensing or the renewal of such licensing and statements of the peer committee to determine if the licensee or applicant for licensing or renewal is enrolled in a peer review program.

#### **HB 427**

AN ACT relating to the taxing authority of emergency services boards.

Amends KRS 65.670 to allow an emergency services board to collect up to 10 cents for each \$100 of property value for each special district whose board is merged.

#### **HB 434**

AN ACT relating to retired teachers and declaring an emergency.

Amends KRS 161.220 to continue Kentucky Teachers’ Retirement System (KTRS) membership for former Department of Adult Education employees; excludes

accountability rewards program compensation from definition of “annual compensation”; amends definition of “last annual compensation”; amends KRS 161.260 to reference statute permitting persons providing substitute and part-time services to vote in retirement board of trustees elections; amends KRS 161.340 to make technical correction; amends KRS 161.420 to remove archaic statutory references; amends KRS 161.430 to make gender correction; amends KRS 161.480 to specify beneficiary designations for the accounts of nonretired members; provides guidelines in the event of divorce or failure to name a beneficiary; provides that this section shall not apply to the accounts of members who have retired or to the life insurance benefit; amends KRS 161.507 to remove archaic reference; amends KRS 161.515 to clarify that only full-time out-of-state teaching service may be purchased; provides that effective July 1, 2005, out-of-state teaching, Kentucky Peace Corps, and federal Peace Corps service shall be purchasable only at full actuarial cost; amends KRS 161.520 to specify that benefits are available when the surviving widow or widower is named as the primary beneficiary; amends KRS 161.525 to specify that benefits are available when the surviving widow or widower or legal dependent is named as the primary beneficiary; amends KRS 161.545 to provide that noncurrent leaves of absence may be purchased for reasons of health as defined under the federal Family Medical Leave Act; provides alternative forms of proof that noncurrent leaves of absence were granted; amends KRS 161.550 to require an employer medical insurance fund stabilization contribution; amends KRS 161.553 to update funding schedule; amends KRS 161.597 to remove archaic provisions; provides that, subject to IRS approval, members may purchase service credit by payroll deduction on a tax-deferred basis; amends KRS 161.600 to provide that Kentucky Retirement Systems retirees with KTRS reciprocity accounts may retire subject to KRS 61.559(2)(c) with actuarial discount applied; amends KRS 161.605 to reduce percentage of retirees an employer may hire from 4% to 3% of employer’s workforce; provides that local school districts shall make requests to exceed the quota no sooner than two weeks after the start of the school year; provides that second accounts shall not entitle members to duplicate adult handicapped child benefits; permits cost-of-living allowances to be applied each July 1 to members’ last annual compensation no matter when it was earned; provides alternative separation-from-service requirements; provides a critical shortage program; provides that KTRS may reduce a member’s retirement allowance on a dollar-for-dollar basis for each dollar that a retired member earns in employment exceeding 100 days; provides that any retired member may be employed by a university or community college for 12 teaching hours in a teaching position or 100 days in a nonteaching position; specifies that certain provisions do not apply to retired members returning to work for a university or community college; provides that KTRS may reduce a member’s retirement allowance on a dollar-for-dollar basis for each dollar that a retired member earns in employment exceeding 100 days or 12 teaching hours; provides that the board shall adopt a methodology for a pro rata apportionment of days and hours for retired members who return to work in both teaching and nonteaching positions; amends KRS 161.612 to specify that the provisions for substitute and part-time employment do not apply to universities or community colleges; provides that the board may adopt a pro rata methodology to determine the annual compensation of members providing substitute and part-time services to determine disability benefits; provides conditions under which members providing substitute and part-time services may vote in retirement board

elections; provides that instructional assistants who are used on an emergency basis as substitute teachers for five or fewer days in a fiscal year shall not be considered members of KTRS for those five or fewer days; amends KRS 161.614 to provide that a member may have court-ordered service credited to his or her account only after the retirement system has received contributions on the full compensation normally earned in the position that is the subject of the litigation; makes technical correction; amends KRS 161.620 to provide reference to basic retirement allowance as a base in calculating retirement allowance; changes reference to “last annual compensation” to “last yearly salary” and provides definition; amends KRS 161.630 to clarify language permitting changing retirement options; amends KRS 161.640 to provide conditions under which members who are customarily employed under 12-month contracts may retire prior to July 1; amends KRS 161.650 to specify beneficiary designations for refund of retirees’ account balances and to provide guidelines for the event of divorce, naming trusts as beneficiaries, and failure to designate a beneficiary; amends KRS 161.655 to specify beneficiary designations for refund of retirees’ account balances and to provide guidelines for the event of divorce, naming trusts as beneficiaries, and failure to designate a beneficiary; and amends KRS 161.680 to change reference to “employee or beneficiary” to “individual”; Effective July 1, 2004; EMERGENCY.

**HB 435**

AN ACT relating to fire departments and making an appropriation therefor.

Amends KRS 95A.262 to allot one million dollars each fiscal year beginning with fiscal year 2004-2005 from money in the firefighters foundation program fund to be used by the commission to conduct training-related activities; and amends KRS 95A.220 to appropriate funds.

**HB 438**

AN ACT relating to the sale or other disposition of city or county property.

Creates a new section of KRS Chapter 82 to provide the methods for cities to sell or otherwise dispose of real and personal property; amends KRS 67.0802 to conform.

**HB 441**

AN ACT relating to licensed occupations.

Amends KRS 321.211 to require veterinarians to pay a renewal fee for licensing in even-numbered years only, rather than every year; modifies renewal fee grace period to conform with revised licensing period; creates new sections of KRS Chapter 317A to permit the cosmetology board to promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations, licenses, and renewals; sets upper limit on the amounts to be charged; requires fees to be paid into the State Treasury and credited to a trust and agency fund established under KRS 317A.080; amends KRS 317A.050 to require the Board of Hairdressers and Cosmetologists to promulgate administrative regulations allowing continuing education credit for programs at trade shows; requires that credit be given to programs that use brand-name and particular products if they otherwise meet the criteria for programs using generic products; and amends KRS 315.150 to change the term beginning January 1, 2005, of each pharmacy board member from three years to four years.



**HB 447**

AN ACT relating to the relocation of utilities in conjunction with a highway construction project.

Amends KRS 177.035, relating to the relocation of public utilities in conjunction with a highway project, to define “utility” and establish steps a private utility is required to take to be eligible to be reimbursed relocation costs if the utility’s facilities must be moved in conjunction with a highway project.

**HB 456**

AN ACT relating to medical licensure.

Amends KRS 311.550 to define “special faculty license” as a license limited to instruction as part of an accredited medical or osteopathic school program; amends KRS 311.571 to permit the board to grant a special faculty license for one year when specified conditions are met; requires a fee for the license; prohibits the practice of medicine outside an academic setting or affiliated institution; permits the board to grant a regular license to a person who has held a special faculty license for five consecutive years; amends KRS 311.560 to prohibit first-year postgraduate trainees from violating KRS 311.595 or 311.597, relating to medical ethics; requires any training program to report a violation to the board; amends KRS 311.617 to change the name of the Committee on Impaired Physicians to the Physicians Health Foundation; creates a new section of KRS 311.840 to 311.862 to permit the executive director of the board to grant a temporary certificate to practice as a physician assistant; specifies conditions; and allows for expiration of a temporary certificate.

**HB 458**

AN ACT relating to local taxation.

Amends provisions enacted during the 2003 Session of the General Assembly to create uniform administrative procedures for local occupational and license taxes; amends KRS 67.750 to revise the definitions of “employee,” “gross receipts,” and “internal revenue code”; defines “sales revenue” and adds school districts and other special taxing districts to the definition of “tax district”; amends KRS 67.753, 67.755, 67.760, 67.770, 67.778, 67.780, and 67.788 to make technical corrections; amends KRS 67.790 to add penalties for violating unauthorized inspection provisions or divulging confidential taxpayer information; and amends KRS 67.795 to except the utilities gross receipts tax levied by school districts from the provisions of KRS 67.750 to 67.790.

**HB 460**

AN ACT relating to waiver of tuition fees for dependents of veterans.

Amends KRS 164.507 to allow a tuition waiver to any student under the age of 23 who is a dependent of a deceased veteran and is enrolled in a state-supported university, junior college, or vocational school; amends KRS 164.515 to allow a tuition waiver to any student under the age of 23 who is a dependent of a disabled veteran and is enrolled in a state-supported university, junior college, or vocational school.

**HB 461**

AN ACT relating to electrical licensing and declaring an emergency.

Amends KRS 227.480 to prohibit the issuance of a permit unless the applicant submits proof of being licensed as an electrical contractor or of acting on behalf of a licensed electrical contractor; amends KRS 227A.010 to prohibit a master electrician from working for more than one electrical contractor if the electrical contractor is not a master electrician and the contractor has employed the master electrician full time; amends KRS 227A.100 to change the license renewal time from the anniversary date of the license to the last day of the licensee's birth month; allows the department to establish an inactive license for licensees who are not actively engaged in the electrical business but wish to maintain their license; allows the department to reduce the license and renewal fees of inactive licensees and waive the insurance requirements for inactive licensees; amends KRS 227A.080 to allow the department to issue a pending license to an applicant prior to July 15, 2004; amends KRS 227A.030 to exempt low-voltage, power-limited installations by persons licensed under various statutes; and creates a new section of KRS Chapter 227A to require the department to determine experience and testing for low-voltage installer certification and to set fees not to exceed the actual cost of issuing a certificate; EMERGENCY.

**HB 466**

AN ACT relating to alcoholic beverages.

Creates a new section of KRS Chapter 243 to clarify the purpose and uses of a supplemental bar license; amends KRS 241.010 to define "caterer," "limited restaurant," "minor," "restaurant," "service bar," and "supplemental bar"; amends KRS 243.033 to expand the territories in which the Department of Alcoholic Beverage Control may issue a caterer's license and impose limits on food sales based on the types of alcoholic beverage sales permitted in the territory; requires that records be maintained consistently with other records required by the department and deletes the requirement that a list of functions catered and other identifying information be submitted to the board upon request; amends KRS 243.030, 243.040, 243.060, and 243.070 to establish license fees for limited restaurants and limited golf courses; amends KRS 243.480 to permit the board to require board-ordered training in lieu of or in addition to suspension; permits the board to order a licensee and some or all of its servers to attend a training program; permits the board to require the licensee attending board-ordered training to pay for the program; amends KRS 243.025 to require that all moneys generated from the department's server training program, except from board-ordered training, be placed in the department's revolving trust and agency account.

**HB 471**

AN ACT relating to consumer protection.

Creates new sections of KRS Chapter 367 to define certain terms; prohibits price gouging during a state of emergency; permits the Governor, following the declaration of a state of emergency, to implement the Act's provisions; requires the Division of Emergency Management to notify the public of the Governor's implementation of the Act's provisions; prohibits a person during an emergency from charging for a listed good or service a price grossly in excess of the price prior to the emergency; permits the

Attorney General to enforce the Act; establishes civil fines of not more than \$5,000 for the first violation and not more than \$10,000 for each subsequent violation.

**HB 493**

AN ACT relating to nonsmoking in public areas of the Capitol and Capitol Annex.

Creates a new section of KRS Chapter 61 to restrict smoking in the Capitol and Capitol Annex to designated smoking areas; specifies that the governing authority of each branch of government may designate smoking areas in the Capitol and Capitol Annex for space allocated to and occupied by the respective branch; and amends KRS 61.165 to conform.

**HB 508**

AN ACT relating to insurance.

Amends KRS 304.14-650, 304.17A-245, 304.17A-527 and 304.38-191 to make technical corrections; amends KRS 304.10-050 to require the affidavit filed by surplus lines brokers to be in a manner and form as prescribed by the commissioner through administrative regulation.

**HB 510**

AN ACT relating to delinquent taxes.

Amends KRS 67C.123 to allow the county clerk to handle delinquent taxes from a former city of the first class when it is part of a consolidated local government and to dispense with advertising under the provisions of KRS 134.440 and with the necessity of a sheriff's sale under the provisions of KRS 134.480; amends KRS 67C.115 to conform; amends KRS 134.420 to include other costs and reasonable attorney fees as part of lien relating to delinquent taxes or certificates of delinquency; amends KRS 134.500 to establish uncorrectable tax claims as certificates of delinquency; limits the sheriff's add-on fee to \$5; requires add-on fees and advertising costs to be included in the interest calculation for certificates of delinquency in cities of the first class or consolidated local governments; permits such fees and costs to be included on certificates of delinquency in other counties upon passage of a county ordinance; amends KRS 134.460 and 134.500 to provide that the 12% interest that attaches to a certificate of delinquency also applies to the clerk's add-on fee and the county attorney's add-on fee.

**HB 517**

AN ACT relating to the administration of trusts and estates.

Adopts the Kentucky Principal and Income Act by creating new sections to KRS Chapter 386; establishes definitions; establishes provisions pertaining to decedent's estate or terminating income interest; establishes apportionment at beginning and end of income interest; establishes allocation of receipts during administration of trust; establishes allocation of disbursements during administration of trust; establishes miscellaneous provisions; and repeals the Kentucky Revised Uniform Principal and Income Act.

**HB 519**

AN ACT relating to retirement.

Amends various sections of KRS Chapters 16, 61, and 78, relating to the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System; sets contribution reporting dates and increases minimum penalty for delinquent contributions to \$1,000; sets vesting requirements for the purchase of service prior to participation; amends procedures for disability applicants; requires the retirement office to assist members applying for disability in obtaining medical information; allows certain employees of the Council on Postsecondary Education to apply service toward medical insurance benefits; and authorizes the system to conduct audits to detect possible fraud.

**HB 537**

AN ACT relating to mines and minerals.

Amends KRS 350.280 to delete the requirement that an order of cessation be issued by the cabinet directing the permittee or operator to abate a violation before granting an easement of necessity in emergency situations; requires the permittee or operator to submit to the property owner a statement that abatement of the violation will be diligently pursued; requires that the appraisal be done by an appraiser certified under KRS Chapter 324A; requires that the appraisal measure the damages to the property that have resulted from the violation; requires that the appraisal be completed and provided to the owner or occupant within three days of abatement of the violation; provides that the property owner or occupant may reject the appraisal within seven days of its receipt; provides a process for the owner or occupant to obtain another appraisal and provides that it shall be completed and submitted to the permittee or operator within 30 days; provides for exchange of funds after acceptance of an appraisal by the owner or occupant; provides that if the owner or occupant does not accept or reject the appraisal within seven days, that the appraisal will be deemed accepted; provides for a method of calculating the damages to the property; provides for commencement of the easement of necessity for the purpose of conducting an appraisal; provides for the calculation and remittance of an entry fee to the owner or occupant for the privilege of entering the property to conduct the appraisal in nonemergency situations; prohibits the acceptance of the entry fee as limiting the person's right to obtain civil damages or other appropriate relief; provides that the permittee or occupant's easement of necessity shall be recognized upon payment of the entry fee; provides that the entry fee be deducted from any subsequent payment due the property owner or occupant as a result of post-abatement appraisals; and provides that if the entry fee exceeds the amount of all appraisals, the property owner or occupant shall be entitled to retain the fee in its entirety.

**HB 550**

AN ACT relating to the Department of Juvenile Justice and declaring an emergency.

Amends KRS 15A.065 to allow the Department of Juvenile Justice to contract with other state and federal agencies to provide services to youth of those agencies; amends KRS 610.265 and 610.290 to provide temporary parental supervised release of a juvenile if a detention hearing is not held in a timely manner; amends KRS 635.060 to

provide for parental supervision of juvenile probation; amends KRS 635.100 to provide that a juvenile who breaks the terms of his or her parole shall be taken into custody; amends KRS 635.510 to clarify that the time of the commission of the offense is the time to be taken into account in determining juvenile sexual offender status; amends KRS 640.030 to provide that, at the time of majority, a youthful offender is to be probated or placed in an institution operated by the Department of Corrections and to provide for specific handling of an inmate between the ages of 18 years and 18 years and 5 months; amends KRS 17.495 to make section inapplicable to juvenile offenders probated or paroled during their minority or enrolled in secondary education; amends KRS 17.552 to provide that KRS 635.500 and 635.520 shall govern juvenile sexual offender presentence evaluations and treatment; and amends KRS 532.050 to provide that the Department of Juvenile Justice shall conduct sex offender presentence evaluations for juveniles; EMERGENCY.

**HB 551**

AN ACT relating to certified employees called to active military service.

Creates a new section of KRS Chapter 161 to identify benefits for certified staff called to active duty; permits a board of education to provide the employer's contribution for health insurance as long as the certified employee or spouse provides the difference in cost for a dependent plan; permits military service to count toward continuing service contracts; provides that a certified staff person shall receive credit on the single salary schedule for time spent in active military service; provides that a lump sum may be paid on behalf of a certified employee to the Kentucky Teachers' Retirement System by a local school district when the employee returns to education service in the district; requires a certified employee of a local school board granted military leave by that school board to commit to return to work at the conclusion of military leave before that school board agrees to provide the employer's contribution for that certified employee's state family health insurance during military leave; permits a local district to require a teacher to complete a one-year probationary period upon return if the leave time will qualify the teacher for continuing contract status; and amends KRS 161.720 and KRS 161.740 to conform.

**HB 563**

AN ACT relating to detection of deception examiners.

Amends KRS 329.030 to authorize the cabinet to exchange fingerprint data with the Kentucky State Police and the Federal Bureau of Investigations to conduct a criminal background check on detection of deception examiner applicants

**HB 569**

AN ACT authorizing the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place, making an appropriation therefore, and declaring an emergency.

Appropriates funds to pay claims against the state that were not previously paid due to insufficiency of former appropriations, procedural errors, or other causes; and appropriates funds to pay checks not cashed within statutory period; EMERGENCY.

**HB 570**

AN ACT relating to collective bargaining for police officers in a consolidated local government.

Creates new sections of KRS 67C to establish the duty and authority of a consolidated local government and police officers employed by the local government to bargain collectively; gives police officers employed by a consolidated local government the right to organize and bargain collectively on questions of wages, hours, and other conditions of employment; requires the labor organization designated by the Labor Cabinet as the exclusive bargaining representative for police officers to represent all police officers in an appropriate unit without discrimination; specifies that the mayor of the consolidated local government, or his or her designee, represent the local government during collective bargaining; prohibits a consolidated local government or a labor organization from engaging in unfair labor practices; specifies the method to be used by the Labor Cabinet to resolve charges of unfair labor practices and the appeal rights of both parties; specifies the method for electing an exclusive bargaining representative when a question arises regarding representation of the bargaining unit; permits either party, after a reasonable time but not less than 30 days, to petition the Labor Cabinet to initiate a fact-finding investigation when negotiations have become deadlocked; permits the secretary of the Labor Cabinet, during the investigative period, to seek a settlement agreement; requires the secretary, after the investigation and absent a settlement agreement, to appoint a three-member panel to act as fact finders, hold public hearings, and issue written findings and recommendations to be served on both parties and released to the public; requires any collective bargaining agreement to be written; specifies that the agreement becomes effective when signed by the mayor of the consolidated local government; requires suits for violations of collective bargaining agreements to be brought in the Circuit Court in the jurisdiction of the consolidated local government; requires the consolidated local government, upon written authorization of a police officer, to deduct dues from the officer's pay and remit the amount to the treasurer of the exclusive bargaining representative; prohibits a police officer from engaging in a strike; and prohibits a labor organization from sponsoring or condoning a strike.

**HB 571**

AN ACT relating to the Board of Dentistry.

Amends KRS 313.130 to create a private admonishment as a disciplinary action that the Board of Dentistry may impose and to provide that a private admonishment disciplinary action is not subject to the Open Records provisions.

**HB 572**

AN ACT relating to collective bargaining.

Creates new sections of KRS Chapter 67A to permit collective bargaining for police officers and firefighters in urban-county governments; defines terms relating to the collective bargaining process; prohibits an urban-county government or a labor

organization to engage in unfair labor practices by interfering, coercing, or discriminating against police officers and firefighters in the exercise of their collective bargaining rights or by refusing to bargain in good faith; establishes process for conducting elections and selecting exclusive representative; establishes process for determining and resolving unfair labor practices; provides fact-finding process if negotiations become deadlocked; requires that collective bargaining agreements be reduced to writing; provides that collective bargaining agreement between urban-county government and labor organization shall be valid and enforceable; authorizes payroll deduction for dues; and prohibits strikes.

**HB 577**

AN ACT relating to coalbed methane development and making an appropriation therefor.

Creates a new KRS Chapter 349 relating to coalbed methane development; declares the importance of coalbed methane development in the Commonwealth and finds that development of a process to extract coalbed methane does not imply ownership of coalbed methane; establishes definitions; establishes a five-member Coalbed Methane Review Board; establishes the authority, jurisdiction, responsibilities, and duties of the review board; authorizes the Department of Natural Resources to receive applications for permits to drill coalbed methane wells; requires a coalbed methane operator making an application for a coalbed methane permit to submit a plat, notify surface owners, and obtain public liability insurance; requires that the plat become a public record subject to inspection; requires notifications to surface and subsurface owners; requires descriptions of mineral tract boundaries and of drilling operations; provides a method for interested parties to make objections to the Department of Natural Resources concerning the drilling of a coalbed methane well; prescribes rules for the plugging and abandonment of a coalbed methane well; authorizes the Department of Natural Resources to receive and oversee the plugging and abandonment of coalbed methane wells; establishes rules and procedures for a mine licensee to obtain authorization to mine through a coalbed methane well; authorizes the review board to issue orders and issue mine-through certificates to mine operators to allow mine-through operations; prescribes a method for determining compensation to all parties with an interest in a coalbed methane well; establishes a method for appeals of the review board's authorization for mine-through certificates and provides a method for the escrow of funds; prohibits the waste of coalbed methane and provides for certain exceptions from the definition of "waste"; establishes submission, authorization, and bonding requirements for an application to obtain a permit to drill a coalbed methane well; authorizes voluntary pooling agreements for operators and owners of coalbed methane; establishes requirements and procedures for stimulating a workable coal seam; prohibits stimulation of a coal seam absent a filed agreement to stimulate; authorizes the review board to consider and order the stimulating of the coalbed; establishes the authority, powers, and rules of procedure for review board hearings; authorizes the review board to promulgate and enforce administrative regulations; authorizes the review board to hear and rule upon appeals of departmental actions on permits, field rules, drilling units, pooling, and unitization; establishes spacing requirements for both vertical and horizontal coalbed methane wells; authorizes the review board to act upon applications and prescribe pooling for coalbed methane wells

when the ownership is in dispute; authorizes the department to receive applications to pool; establishes requirements for pooling applications; permits persons aggrieved by an action of the review board to bring civil action; establishes requirements, procedures, and defenses for civil actions; establishes requirements and procedures for the installation and removal of casings in a coalbed methane well; authorizes the department to bid for the plugging of coalbed methane wells; establishes a coalbed methane well plugging fund to receive funds paid on the sale of equipment removed from a well that is being plugged and bond forfeitures; authorizes the expense of funds from the coalbed methane well plugging fund for plugging coalbed methane wells; authorizes the department to supervise the drilling, casing, plugging, and filling of coalbed methane wells; authorizes the department to adopt rules, promulgate administrative regulations, and conduct hearings; requires applicants for a permit to drill a coalbed methane well to submit a bond or a blanket bond; prescribes alternate bonding requirements for applicants; permits the department to exceed statutorily set bonding limits; establishes rules for succession on a permit to drill a coalbed methane well; establishes termination of operations requirements for coalbed methane well operators; provides that applicants for coalbed methane drilling permits comply with KRS 353.5901 and 353.595; sets an expiration date for coalbed methane drilling permits and allows for the extension of the permit for one year; establishes an affirmative defense for willful trespass arising from coalbed methane drilling operations; authorizes the department to bring suit in Circuit Court for violations and to seek restraint of operations; allows persons to protect water resources affected by coalbed methane operations; requires groundwater protection plan if drilling within one-half mile of a water supply for domestic purposes; requires the operator of a coalbed methane well to replace water to the person affected; establishes penalties for violations; establishes the rights of surface owners where the surface and subsurface rights are severed; provides for a reclamation plan if the surface and subsurface rights are severed; establishes contractual rights of mineral rights owners; provides that ownership of coalbed methane is not affirmed; prohibits rules and requirements affecting coalbed methane permits to apply to noncoalbed methane permits unless converted; requires that provisions be liberally construed; and exempts coalbed methane wells from the provisions of KRS Chapter 353, unless expressly provided.

### **HB 593**

AN ACT relating to economic development.

Amends KRS 147.075 to remove the secretary of the Cabinet for Economic Development from the State Planning Committee; amends KRS 154.22-010 to remove from Kentucky Rural Economic Development Act (KREDA) the requirement that the wage and employment data used by the Cabinet for Economic Development to determine the “average hourly wage” be the most current; amends KRS 154.22-050 to require approved companies under KREDA to maintain the minimum 15 new full-time employees at the employment site throughout the term of the agreement; requires suspension and allows termination of inducements if the minimum 15 full-time employees are not maintained; amends KRS 154.23-010 to remove from Kentucky Economic Opportunity Zones (KEOZ) the requirement that the wage and employment data used by the Cabinet for Economic Development to determine the “average hourly wage” be the most current; clarifies that eligible service or technology activities are



limited to those that are new or expanded; includes under the definition of “economic development project” the service or technology activity of an approved company with one or more of its affiliates; defines “person”; limits relocation costs included under “start-up costs” to the relocation of out-of-state equipment; clarifies the definition of “service or technology” to include the regional or headquarters operations of an entity engaged in service or technology activities and to exclude the activities of individuals providing direct service to the public pursuant to an issued license; amends KRS 154.23-015 to allow a KEOZ applicant to modify or maintain its zone if a census tract becomes noncontiguous as a result of decertification by the authority; amends various sections of Subchapter 23 of KRS Chapter 154 to require that all approved companies under KEOZ shall select the activation date within two years of the date of final approval; requires approved companies under KEOZ to maintain the minimum 10 new full-time, qualified employees at the site throughout the term of the agreement; requires suspension and allows termination of inducements if the minimum 10 new full-time, qualified, employees are not maintained; amends KRS 154.23-055 to allow, with the authority’s consent, an affiliate of an approved company under KEOZ to require an assessment; amends KRS 154.24-010 to remove from Kentucky Jobs Development Act (KJDA) the requirement that the wage and employment data used by the Cabinet for Economic Development to determine the “average hourly wage” be the most current; clarifies that eligible service or technology activities are limited to those that are new or expanded; includes under the definition of “economic development project” the service or technology activity of an approved company with one or more of its affiliates; limits relocation costs included under “start-up costs” to the relocation of out-of-state equipment; clarifies the definition of “service or technology” to include the regional or headquarters operations of an entity engaged in service or technology activities and to exclude the activities of individuals providing direct service to the public pursuant to an issued license; amends KRS 154.24-120 to require that approved companies under KJDA maintain the minimum 15 new full-time employees at the site and provide more than 75% of services out-of-state throughout the term of the agreement; requires suspension and allows termination of inducements if the minimum 15 new full-time employees are not maintained or the services provided out-of-state do not exceed 75%; amends various sections of Subchapter 26 of KRS Chapter 154 to increase the percentage of approved costs that the company may recover that can be negotiated by the authority and that cannot exceed 75%; removes the employee contribution portion of the wage assessment and limits total assessment to 5%; allows the authority to negotiate the license tax credit up to 100% of the computed license tax attributable to the location of the project; creates a new section of Subchapter 26 of KRS Chapter 154 to allow preliminarily approved companies the option to operate under existing terms or request that the agreement be amended to comply with amendments to the program; allows companies under a final agreement the option to operate under existing terms or request that the agreement be amended to comply with the amendments to the employee assessment portion of the agreement; amends KRS 154.28-010 to remove from Kentucky Industrial Development Act (KIDA) the requirement that the wage and employment data used by the Cabinet for Economic Development to determine the “average hourly wage” be the most current; amends KRS 154.28-090 to require that approved companies under KIDA maintain the minimum 15 new full-time employees at the site; requires suspension and allows

termination of inducements if the minimum 15 new full-time employees are not maintained; amends KRS 154.47-110 to detach the Kentucky Forest Products Council from the Cabinet for Economic Development; removes the secretary of the Cabinet for Economic Development as an ex officio member; adds one representative from public interest groups to be appointed by the Governor; amends KRS 198A.035 to remove the secretary of the Cabinet for Economic Development from the advisory committee on housing policy; amends KRS 342.1224 to allow the secretary of the Cabinet for Economic Development to name a designee to the board of the Workers' Compensation Funding Commission to serve in the secretary's place; amends KRS 141.310 and 154.26-010 to conform; and amends KRS 148.851 to expand the definitions of "theme restaurant destination attraction" and "tourism attraction."

### **HB 595**

A CONCURRENT RESOLUTION to direct the Legislative Research Commission to study the advisability of allowing advanced registered nurse practitioners to prescribe Schedule II through V controlled substances

Directs the Legislative Research Commission to conduct a study regarding the advisability of advanced registered nurse practitioners prescribing Schedule II through Schedule V controlled substances; and requires report of the study results to the appropriate committees by October 1, 2004.

### **HB 596**

AN ACT relating to covered wooden bridges and declaring an emergency.

Amends KRS 176.400 to require entities administering a project that involves a covered wooden bridge to consider recommendations of and consult with the covered wooden bridge authority dedicated to that bridge and to hold at least one public hearing no later than 60 days before the project is commenced or contracted, whichever is earlier; exempts emergency maintenance projects less than \$50,000; requires approval by the Kentucky Heritage Council for any project involving a covered wooden bridge; amends KRS 176.410 to require equal representation from each county participating in a covered wooden bridge authority; requires that a portion of the membership be appointed by the Governor from candidate lists submitted by the fiscal courts of each participating county; allows for an authority to consist of more than five members; requires an authority to dedicate itself to all covered wooden bridges within its jurisdiction; and limits an authority's duties for covered wooden bridges open to vehicular traffic; EMERGENCY.

### **HB 609**

AN ACT relating to administrative regulations.

Amends KRS 11.202 to require the Commission on Small Business Advocacy to review administrative regulations that may impact small business and to establish reporting requirements; amends KRS 13A.010 to change the definition of "economic impact" to include small businesses and government and to define "small business" and "government"; amends KRS 13A.030 to authorize a nonbinding determination that an administrative regulation is deficient if the administrative regulation imposes an unreasonable burden on government or small business or both; amends KRS 13A.210 to require administrative bodies to tier administrative regulations whenever possible to

reduce the disproportionate impact on classes of regulated entities, including government, small business, or both; authorizes tiering to reduce, modify, or waive fines or other penalties for noncompliance; amends KRS 13A.270 to require agencies to e-mail administrative regulations that may impact small business to the Commission on Small Business Advocacy and that may impact government to governments with a request that the commission or government review the administrative regulation and file a report; amends KRS 13A.280 to require consideration of the reports filed by the Commission on Small Business Advocacy or a government along with other comments received during the public comment period; and adds a noncodified section stating that the act shall be known as the “Small Business Regulatory Fairness Act of 2004.”

**HB 619**

AN ACT relating to the preparation of maps for the annexation, transference, or severance of land by cities.

Amends KRS 81A.470 relating to preparation of the map that is required when a city proposes to annex, transfer, or sever territory; and sets out the requirements for maps prepared for those purposes.

**HB 627**

AN ACT relating to the provision of broadband service.

Creates new sections of KRS Chapter 278 to find that state-of-the-art telecommunications is essential and that market-based competition creates innovation and reduces cost; adds definition for “broadband service”; prohibits any type of state regulation of broadband services except for interconnection agreements, access to remote terminals, and consumer service; prohibits the implementation of any requirement on facilities or equipment used to provide broadband; prohibits any state regulation of broadband rates, of the terms of broadband service, of entry by providers into the broadband market except for interconnection agreements, or of access to remote terminals and consumer service complaints; sunsets any existing requirement on broadband service; affirms the duties of local exchange carriers to provide unbundled network elements to providers to the extent required by federal law; affirms the right to charge for access and other charges for broadband services; affirms the right of service providers to obtain access to the publicly switched network; establishes a 19-member task force to examine the deployment of broadband in the Commonwealth during the 2004-2005 interim; requires the Office of the New Economy to prepare a baseline assessment report and to provide six-month updates to the task force; requires an interim report of findings and recommendations be submitted to the Legislative Research Commission and to the Governor no later than November 15, 2004; and requires the task force submit a final report by November 15, 2005.

**HB 633**

AN ACT relating to insurance health care benefit plans and declaring an emergency.

Amends KRS 304.17A-0952 to provide that an insurer may vary from the 35% index rate for health insurance premiums for individual plans if the insurer is offering an

individual health benefit plan that is state-elected under the federal Trade Act of 2002 to cover individuals who are eligible for the health care coverage tax credit; EMERGENCY.

**HB 650**

AN ACT relating to health benefit plans.

Creates new sections of Subtitle 17A of KRS Chapter 304 to provide that an insurer issuing or renewing a health benefit plan on or after January 1, 2005, until December 31, 2007, shall not be required to include any additional mandated state benefits; requires an insurer that offers a health benefit plan that is not a managed care plan but that provides financial incentives for a covered person to access a network of providers to be subject to certain patient protection provisions that apply to managed care plans; amends KRS 304.17A-095 to restrict retroactive reduction of rates to filings containing misrepresentations or based on fraudulent information; amends KRS 304.17A-250 to permit, rather than require, insurers in the individual and small group market to offer the standard plan after July 15, 2004; deletes the benefits comparison; amends KRS 304.17A-330 to exempt from the annual data reporting requirement insurers, employer-organized associations that self-insure, and health purchasing outlets that insure fewer than 500 persons; amends KRS 304.17A-500 to change the definition of “enrollee” and other terms; amends KRS 304.17A-527, 304.17A-550, 304.17A-520, and 304.17A-532 to make technical changes to eliminate certain requirements for non-HMO insurers; amends KRS 304.17A-600 to define “urgent care”; amends KRS 304.17A-607 to delete requirement of rendering written notice of utilization review decision within one day of decision and to delete other time requirements for preadmission review of hospital admission, preauthorization for a treatment, procedure, drug, or device, and receipt of requested information when a retrospective review is initiated; amends KRS 304.17A-617 as to the internal appeal determination letter to delete requirement that the letter contain a description of alternative benefits, services, or supplies in cases of retrospective review; amends KRS 304.17A-623 to provide that external reviews that are not expedited must be conducted by the review entity and a determination made within 21 days from the receipt of all information required from the insurer rather than from the receipt of the request for external review; amends KRS 304.17A-627 to delete requirement that the independent review entity annually submit certain information to the department in a form acceptable to the department; amends KRS 304.17A-700 to define “utilization review” as having the same meaning as “utilization review plan”; and repeals KRS 304.17A-533.

**HB 671**

AN ACT relating to the release of information in child abuse cases.

Amends KRS 620.050(12) to require the cabinet to conduct an internal review of any child fatality or near fatality where the cabinet has had previous involvement with the child or family; prepare a summary of the cabinet’s actions that result from the review, cooperation, assistance, or information from other agencies; submit a report by September 1 of each year containing a historical analysis of all internal review summaries to the Governor, the General Assembly, and the state child fatality review team created under KRS 211.684.

**HB 672**

AN ACT relating to boarding homes.

Creates a new section of KRS 216B.300 to 216B.320 to permit the cabinet to enjoin and enforce a cease and desist order if the cabinet believes that a person or entity is operating or aiding or abetting in the operation of an unregistered boarding home; permits civil penalties of at least \$1,000 but not more than \$5,000 to be assessed; permits the cabinet to collect attorneys' fees and costs incurred by the cabinet or local government relating to the relocation of boarders if the cabinet is required to enforce the cease and desist order; amends KRS 216B.305 to require the cabinet to promulgate administrative regulations relating to nutritional standards and screening procedures; prohibits any person, association, business entity, or organization that has been previously penalized for operating a boarding home without a registration or has had a registration denied or revoked in the previous five years from obtaining registration; establishes an appeal process; establishes a penalty for concealing information on a registration application relating to the prior operation of boarding homes; includes as grounds by which a registration may be denied or revoked the violation of administrative regulations, failure to correct violations, or conviction of a crime related to abuse, neglect, or exploitation; prohibits the boarding home from handling, storing, or dispensing of a boarder's prescription; requires the cabinet to provide a lockable compartment for the storage of medicine if so requested by the resident; permits the cabinet to summarily suspend the registration of a boarding home in cases of significant risk; and makes persons who advertise or solicit boarders or who operate a boarding home without first obtaining a license or who aid or abet in the operation of a boarding home without registration subject to imprisonment of up to one year.

**HB 685**

AN ACT relating to diabetes research.

Creates new sections of KRS Chapter 211 to define terms; creates the Kentucky Diabetes Research Board and establishes membership and duties; creates the Kentucky Diabetes Research Trust Fund and identifies the scope of the fund; establishes the application process for proposed research projects and specifies review criteria by the board for research project proposals; and establishes terms for contracts and final reports to the board.

**HB 703**

AN ACT relating to county detectives.

Amends KRS 69.360 to give county detectives hired by county attorneys in counties containing a consolidated local government the power of arrest in the county and the right to execute process statewide; requires county detectives with these powers to be certified in accordance with KRS 15.380 to KRS 15.404; and amends KRS 15.380 to conform.

**HB 708**

AN ACT relating to horse racing.

Amends KRS 230.443 to allow quarter horses, Appaloosas, and Arabian horses foaled by artificial insemination to be eligible to race under the provisions of KRS

Chapter 230; creates new sections of KRS Chapter 230 to establish an international wagering hub; defines terms; requires that KRS 230.378 to 230.380 apply, except where expressly excepted in Sections 1 to 6 of this Act; permits a licensee to operate the system independently or in association with one or more racetracks licensed to run live racing and pari-mutuel wagering in the state; prohibits call centers from being located on state property; prohibits the commission from licensing more than four hubs; requires applicants to submit a detailed plan of operations to the commission or its successor authority; sets out the contents of the plan; permits the commission or its successor authority to require changes to the proposed plan; permits the commission or its successor authority to conduct investigations or inspections or request additional information from the applicant as the commission deems appropriate; permits the applicant to enter into agreements that are necessary to promote, advertise, and further horse racing or the effective operation of the hub; requires the commission or its successor authority to promulgate administrative regulations to carry out the provisions of this Act; allows the commission to establish a license fee and a fee on gross wagering receipts; sets upper cap on such fees; exempts the hub's records and financial statements from the Open Records requirements; permits the Auditor of Public Accounts to review and audit the hub's records and financial information and requires that the report of the review be submitted to the Legislative Research Commission; requires that no fees or taxes be imposed on the operations authorized under Sections 1 to 6 of this Act; requires that a wager made for an account maintained with the hub operator be considered to have been made in the Commonwealth; prohibits wagers made at the tracks and the simulcast facilities from being processed by the hub; makes the violation of the proscriptions grounds for license revocation; clarifies that racetracks or simulcast facilities, unless exempt, shall be subject to existing racing taxes; authorizes the commission or its successor authority to review and audit all records and financial information of the hub operator; exempts harness racetracks from the excise tax imposed under KRS 138.510(2) and (3) and devotes moneys that would have been paid to the promotion and maintenance of the tracks' facilities and live meets.

### **HCR 8**

Directs the Interim Joint Committee on Economic Development and Tourism to examine the development of the Lexington/Big Sandy Rail Trail and suggest a strategy for its completion; directs the committee to report its findings and recommendations to the Legislative Research Commission by December 17, 2004.

### **HJR 11**

A JOINT RESOLUTION naming various highways.

Names KY 1357 in Hardin County the "Sheriff Bobby Thomas Memorial Highway"; names a section of US 460/KY 80 in Pike County the "Brandon Jacob Rowe and Gary Brent Coleman Memorial Highway"; names a section of KY 54 in Daviess County the "PFC David Paulie Nash Memorial Highway"; names a section of US 421 in Madison County the "Battlefield Memorial Highway"; names a section of KY 112 in Hopkins County the "Dr. Loman C. Trover Highway"; names a section of KY 70 in Muhlenberg County the "Tom Christerson Memorial Highway"; and names a section of US 421 in Clay and Jackson Counties the "Vietnam Veterans Memorial Highway."

**HCR 23**

Confirms the gubernatorial appointment of Dan H. Branham to the Education Professional Standards Board for a term expiring June 7, 2004.

**HCR 24**

Confirms the gubernatorial appointment of Wilson L. Stone to the Education Professional Standards Board for a term expiring September 18, 2006.

**HCR 27**

Confirms the reappointment of Sam Lawson to the Agricultural Development Board for a term expiring July 6, 2007.

**HCR 30**

Confirms the reappointment of Daniel Hall to the Kentucky Long-Term Policy Research Center Board for a term expiring October 6, 2007.

**HCR 31**

Confirms the gubernatorial appointment of Linda L. Livers to the Education Professional Standards Board for a term expiring September 18, 2006.

**HCR 32**

Confirms the gubernatorial reappointment of Thomas James Stull to the Education Professional Standards Board for a term expiring September 18, 2007.

**HCR 33**

Confirms the gubernatorial reappointment of Kristin Moe Gregory to the Education Professional Standards Board for a term expiring September 18, 2007.

**HCR 34**

Confirms the gubernatorial reappointment of Lydia Sweeney Coffey to the Education Professional Standards Board for a term expiring September 18, 2007.

**HCR 63**

Confirms the appointment of Stephen C. Cawood to the Mine Safety Review Commission.

**HJR 64**

Changes the name of the Caveland Lodge at Carter Caves State Resort Park to the Lewis Caveland Lodge, recognizing the Lewis family's dedication to promoting and protecting the caves for future generations.

**HCR 66**

Confirms the gubernatorial appointment of John S. Turner to the Council on Postsecondary Education for a term expiring December 31, 2009.

**HCR 67**

Confirms the gubernatorial appointment of Kenneth W. Winters to the Council on Postsecondary Education for a term expiring December 31, 2009.

**HJR 98**

Declares emergency administrative regulations pertaining to noncoal mineral operations deficient except for 405 KAR 5:053; defines “tar sand” or “rock asphalt”; requires the administrative body to promulgate new emergency administrative regulation restoring the previous regulatory program for noncoal mineral operations; EMERGENCY.

**HJR 113**

Directs the Department of Corrections, the Cabinet for Economic Development, the Finance and Administration Cabinet, and the Pennyrile Westpark Industrial Development Authority to facilitate the potential sale of the Pennyrile Westpark Industrial Park for the purpose of economic development within the Commonwealth.

**HCR 120**

Confirms the gubernatorial appointment of Bonnie Lash Freeman to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 121**

Confirms the gubernatorial appointment of David B. Rhodes to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 122**

Confirms the gubernatorial appointment of Janna P. Vice to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HCR 123**

Confirms the gubernatorial appointment of David L. Webb to the Kentucky Board of Education as a member at large for a term ending April 14, 2008.

**HJR 136**

Urges the Department for Medicaid Services to modernize the Medicaid program through care management, benefit management, and technology improvement; specifies that technology improvement may include an assessment of computer systems technology and creation of a data warehouse; specifies that care management may include disease management, self-directed care, and utilization management; specifies that benefit management may include pharmacy benefit management, empowering of the Pharmacy and Therapeutics Committee, and supplemental rebates; and cites the Act as the “Omnibus Medicaid Modernization Program Act of 2004.”

**HCR 190**

Reauthorizes the Task Force on Funding for Wildlife Conservation to meet during the 2004 and 2005 interims; requires a report of its findings each year to the Interim Joint



Committee on Agriculture and Natural Resources and the Interim Joint Committee on Appropriations and Revenue before December 1, 2004, and December 1, 2005.

**HJR 207**

Directs the Personnel Cabinet and the Kentucky Group Health Insurance Board to study the feasibility of establishing a health reimbursement arrangement for state employees.

**HJR 214**

Directs the University of Kentucky Board of Trustees to delegate the governance and management responsibilities for Lexington Community College to the Kentucky Community and Technical College System on or before July 1, 2004; requires certain provisions related to funds, property, personnel, students, and other responsibilities; directs that equal representation of the University of Kentucky, the Lexington Community College, and the Kentucky Community and Technical College System form a transition team to oversee the implementation of the resolution requirements; requires the president of the University of Kentucky to notify the accrediting agency of the resolution; directs that funds appropriated to support Lexington Community College be allotted to the Kentucky Community and Technical College System; and specifies that the Lexington Community College Advisory Board shall continue to serve in an advisory capacity; EMERGENCY.

**HJR 218**

Reauthorizes the Kentucky Aquaculture Task Force; and appropriates \$15,000 in fiscal year 2004-2005 and \$15,000 in fiscal year 2005-2006.

**HCR 223**

Urges the House Armed Services Committee as well as the entire United States Congress to adopt HR 327 to award a Medal of Honor posthumously to First Lieutenant Garlin Murl Conner for his service during World War II.



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