

General Assembly Action Regular Session 2007

Informational Bulletin No. 223

Legislative Research Commission
Frankfort, Kentucky

April 2007

Kentucky Legislative Research Commission

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The Kentucky Legislative Research Commission is a 16-member committee comprised of the majority and minority leadership of the Kentucky Senate and House of Representatives. Under Chapter 7 of the Kentucky Revised Statutes, the Commission constitutes the administrative office for the Kentucky General Assembly. Its director serves as chief administrative officer of the legislature when it is not in session. The Commission and its staff, by law and by practice, perform numerous fact-finding and service functions for members of the General Assembly. The Commission provides professional, clerical, and other employees required by legislators when the General Assembly is in session and during the interim period between sessions. These employees, in turn, assist committees and individual members in preparing legislation. Other services include conducting studies and investigations, organizing and staffing committee meetings and public hearings, maintaining official legislative records and other reference materials, furnishing information about the legislature to the public, compiling and publishing administrative regulations, administering a legislative intern program, conducting a pre-session orientation conference for legislators, and publishing a daily index of legislative activity during sessions of the General Assembly.

The Commission also is responsible for statute revision; publication and distribution of the *Acts* and *Journals* following sessions of the General Assembly; and maintenance of furnishings, equipment, and supplies for the legislature.

The Commission functions as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments as it relates to Kentucky.

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A Staff Summary of Legislative Enactments

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Foreword

The 2007 Regular Session of the General Assembly convened Tuesday, January 2, 2007, and adjourned sine die Tuesday, March 27, 2007, having met for 30 legislative days. During this session, 795 bills and 492 resolutions were introduced, including 222 Senate bills and 573 House bills.

Of the bills introduced, 43 Senate bills and 77 House bills passed both chambers and were delivered to the Governor.

The Governor also received 24 joint and concurrent resolutions.

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

Robert Sherman
Director

Legislative Research Commission
Frankfort, Kentucky
April 2007

Bill Numbers to Acts Chapters

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 10	86	SB 153	54	HB 156	120	HB 381	135
SB 14	133	SB 171	62	HB 177	98	HB 383	72
SB 22	123	SB 175	87	HB 185	126	HB 386	65
SB 23	48	SB 185	31	HB 191	128	HB 389	125
SB 25	116	SB 186	55	HB 192	79	HB 390	39
SB 26	53	SB 187	32	HB 207	94	HB 394	105
SB 29	59	SB 196	73	HB 215	40	HB 426	111
SB 43	19			HB 216	110	HB 430	115
SB 47	41	SJR 6	63	HB 225	92	HB 443	68
SB 56	18	SJR 16	1	HB 228	109	HB 448	114
SB 59	140	SJR 48	15	HB 230	138	HB 462	75
SB 60	20	SJR 93	129	HB 243	42	HB 468	2
SB 65	29	SJR 109	127	HB 244	9	HB 469	119
SB 68	38			HB 246	134	HB 490	136
SB 69	33	HB 32	36	HB 258	52	HB 509	28
SB 74	37	HB 46	16	HB 259	50	HB 514	56
SB 76	47	HB 50	88	HB 273	35	HB 536	91
SB 79	24	HB 66	46	HB 280	107	HB 540	84
SB 82	100	HB 69	71	HB 282	130	HB 549	95
SB 83	43	HB 71	12	HB 285	104		
SB 88	124	HB 78	76	HB 287	96	HJR 23	60
SB 91	17	HB 82	81	HB 296	93	HCR 25	5
SB 92	51	HB 83	82	HB 305	69	HCR 26	4
SB 98	34	HB 94	83	HB 312	13	HCR 28	74
SB 100	131	HB 102	77	HB 316	22	HCR 29	6
SB 103	121	HB 107	26	HB 321	14	HCR 30	25
SB 104	49	HB 108	11	HB 334	137	HCR 31	7
SB 105	101	HB 114	64	HB 337	90	HCR 32	8
SB 111	102	HB 115	10	HB 355	106	HCR 33	67
SB 125	30	HB 120	97	HB 358	139	HJR 72	118
SB 126	108	HB 128	89	HB 360	141	HCR 75	3
SB 130	113	HB 130	45	HB 367	103	HJR 84	57
SB 134	70	HB 137	78	HB 370	27	HCR 120	44
SB 143	117	HB 138	99	HB 374	58	HJR 137	61
SB 144	85	HB 144	23	HB 378	80	HCR 141	21
SB 145	132	HB 145	122	HB 380	112	HCR 154	66

Senate Bills

SB 10

AN ACT relating to heating, ventilation, and air conditioning and making an appropriation therefor.

Creates new sections of KRS 198B.650 to 198B.689 to require a permit for the installation of initial HVAC systems; establishes requirements for permit; creates exemptions from permitting process, notwithstanding KRS 198B.030; includes Uniform State Residential Code in inspection requirements; grants the Office of Housing, Buildings and Construction the authority to promulgate administrative regulations for HVAC permitting process and imposes fees to fund permitting process; grants local authorities the right to act as the agent for the office, enter into contractual relations to act as agent, and fix compensation of local inspectors; provides that all fees collected by an authorized local government permit office shall be retained by that local government; requires HVAC inspectors to have at least 6 years' experience; forbids local authorities from establishing additional permitting or inspection programs for HVAC; establishes an agency trust and surplus account for the fees to fund the HVAC permitting program; defines the powers of the HVAC inspectors to include "stop work" authority and allows refusal to approve work in instances where the property owner refuses to allow an inspection; allows county, city, or Commonwealth's attorneys, or the attorney general, to represent the office or its agents; grants aggrieved parties administrative hearings in accordance with KRS Chapter 13B; amends KRS 198B.650 to define "initial heating, ventilation, or air conditioning system," "major repair," and "permit"; amends KRS 198B.990 to include infractions of the HVAC permitting process within the fines and punishment section; creates a noncodified section to allow the initial funding of the program from existing agency trust and surplus accounts; and requires repayment of these accounts within 2 years; EFFECTIVE July 1, 2008, except for Sections 2, 5, and 7, which will be effective January 1, 2009.

SB 14

AN ACT relating to elections and declaring an emergency.

Amends KRS 117.255 to provide an exemption from the 2-minute voting rule for individuals with a disability; amends KRS 118.215 to provide that during a presidential election year, the secretary of state shall certify the nominations no later than the Monday after the Friday following the first Tuesday in September; and amends KRS 118.365 to conform; EMERGENCY.

SB 22

AN ACT relating to the public employee health insurance program.

Creates a new section of KRS Chapter 18A to require the Personnel Cabinet's Department for Employee Insurance to offer TRICARE supplement insurance to eligible TRICARE insurance beneficiaries by plan year 2009; defines terms; requires the Commonwealth to pay for individual TRICARE supplement insurance; permits an employee eligible for TRICARE supplement insurance to choose between the Commonwealth-sponsored TRICARE supplemental insurance or other coverage offered

through the public employee health insurance program; permits the secretary of the Personnel Cabinet to promulgate administrative regulations; and requires the provisions of this section to take effect to the extent that they are not preempted by 10 U.S.C. sec. 1097c, other federal laws, or federal regulations.

SB 23

AN ACT relating to assistance dogs.

Amends KRS 258.500 to prohibit the denial of emergency medical treatment to assistance dogs because of their handler's inability to pay prior to treatment and to remove statutory provisions requiring training certificates for assistance dogs; and amends KRS 258.991 to establish penalties for persons who deny emergency medical treatment to assistance dogs because of their handler's inability to pay prior to treatment.

SB 25

AN ACT relating to nutrition.

Creates a new section of KRS Chapter 194A to create the Kentucky Farmers Market Nutrition Program within the Department of Agriculture in collaboration with the Cabinet for Health and Family Services for the purpose of enhancing nutrition; requires the program to provide fresh, locally grown produce to low-income seniors and recipients of the federal Special Supplemental Nutrition Program for women, infants, and children; requires collaboration with the United States Department of Agriculture Senior Farmers Market Nutrition Program, the University of Kentucky College of Agriculture Cooperative Extension Service, local area agencies on aging, and other private and public entities to identify funding sources, establish services, develop marketing strategies, and establish strategies to introduce fresh, locally grown fruits and vegetables into school nutrition programs; establishes the Kentucky Farmers Market Nutrition Program fund; requires the department to submit an annual report to the Interim Joint Committees on Health and Welfare and Agriculture and Natural Resources; and provides for implementation of services and marketing upon securing of adequate funding.

SB 26

AN ACT relating to dental services.

Amends KRS 313.240 to permit dentists to practice under a name other than their own if they have contracted to perform continuing operations for a deceased or incapacitated dentist; deletes the provision that prohibits a person from participating in more than three professional service organizations; creates a new section of KRS Chapter 313 to permit representatives of a deceased or incapacitated dentist to contract with another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice until the practice is sold; requires notification to the Board of Dentistry prior to contracting for continuation of services; prohibits interference with the practice of dentistry or professional judgment of contracting dentists; requires notification to the deceased or incapacitated dentist's patients of record within 30 days of the death or incapacitation; and provides that any other violation of the chapter is grounds for an immediate termination of the operations of the dental practice.

SB 29

AN ACT relating to alcoholic beverages.

Amends KRS 244.130 to exempt promotional advertising mailed or delivered to a customer's residence from the prohibition against advertising alcoholic beverages; allows a racetrack licensee under KRS Chapter 230 that is located in a city where prohibition is not in effect in whole or part to obtain a horse racetrack license; requires that the license apply only to racetrack premises where live racing meets were held in 2006; and clarifies that this section shall apply only to the track's premises that are located within the city's limits.

SB 43

AN ACT relating to human trafficking.

Creates a new section of KRS Chapter 422 to create an evidentiary privilege for human trafficking victim counselors; creates a new section of KRS Chapter 431 to set out detention safeguards for victims of human trafficking; amends KRS 506.120 to include human trafficking within the criminal syndication statute; amends and creates various sections in KRS Chapter 529 to create the new offenses of human trafficking and promoting human trafficking, with human trafficking being composed of either forced labor or services or forced commercial sexual activity; and amends various other statutes to conform.

SB 47

AN ACT relating to certification of miners.

Creates a new section of KRS Chapter 351 to allow the Mining Board to enter into a reciprocal agreement with another state for the certification of out-of-state miners; disallows certification of out-of-state miners in Kentucky that have had their certifications in the other state revoked, suspended, or probated; and allows the out-of-state miner to perform similar duties when certain conditions have been met.

SB 56

AN ACT relating to reorganization.

Confirms Executive Order 2006-1505 relating to changing the name of the Division of Project Administration to the Division of Facilities Maintenance in the Department of Parks within the Commerce Cabinet.

SB 59

AN ACT relating to safety for state social workers, declaring an emergency, and making an appropriation therefor.

Creates a new section of KRS Chapter 194A to name the bill in honor of Boni Frederick; amends KRS 194A.065 to define "front line staff" and requires the cabinet secretary and the Justice Cabinet secretary to establish procedures for a 1-hour response on criminal background checks; creates new sections of KRS Chapter 605 to require staff reporting of threats and incidents, to establish an incident tracking system, to establish a safety liaison position in central and regional offices; creates new sections of KRS Chapter 194A to require the cabinet to conduct risk assessments on all local offices, to remediate for improved safety and protection, and to require the cabinet secretary to

designate a study group of department field services staff appointed by the secretary to make recommendations regarding personnel classifications; requires the study group to report to the governor and the Interim Joint Committees on Appropriations and Revenue and Health and Welfare; provides authority for the cabinet secretary to declare a state of extraordinary circumstances and submit to the governor for certification and upon approval, request funds not to exceed \$6,000,000 as a necessary governmental expense; specifies use of funds as \$2,500,000 for new front-line staff positions and \$3,500,000 for office updates, emergency alert technology, and safe and appropriate family visits for children in the custody of the cabinet on the premises of the cabinet; requires fund transfers to be subject to notification requirements; specifies that funds for personnel be added to the department's base funding for the 2008-2010 fiscal biennium and new positions be added to the department's personnel cap; and requires monthly reports on expenditures to the Interim Joint Committees on Appropriations and Revenue and Health and Welfare; EMERGENCY.

SB 60

AN ACT relating to uniform financial information reports for local governments.

Amends KRS 65.900 to include "consolidated local government" in definitions; amends KRS 65.905 to ensure that a county may use its final quarterly report to fulfill the requirements of filing a uniform financial information report; amends KRS 65.910, relating to uniform financial information reports for local governments, to delete specific contents for such reports that can be determined by administrative regulation; amends KRS 65.920, 177.360, and 177.366 to conform; and repeals KRS 65.915.

SB 65

AN ACT relating to sex offender registration.

Amends KRS 17.500 to include e-mail, instant message, chat, and other Internet communications identities in the list of registrant information required to be provided by a sex offender to the sex offender registration system.

SB 68

AN ACT relating to crimes and punishments.

Amends KRS 304.39-080, relating to required motor vehicle insurance coverage, to require coverage in relation to both an owner and an operator of a motor vehicle.

SB 69

AN ACT relating to Medicaid.

Amends KRS 205.564 to require two psychiatrists on Medicaid's Pharmacy and Therapeutics Advisory Committee, one from either the University of Kentucky or University of Louisville medical school and one who is practicing at a community mental health/mental retardation program.

SB 74

AN ACT relating to local government.

Creates a new section of KRS Chapter 147A to require the Department for Local Government to monitor and support broadband investment and adoption throughout

Kentucky; permits the Department for Local Government to contract with a competent nonprofit organization, but the department is given no authority over broadband providers; amends KRS 147A.021 to conform; and creates a new section of KRS Chapter 75 to provide that if taxes were collected by a fire district when no taxes were due for the tax year beginning on January 1, 2005, any unrefunded tax moneys will not escheat to the state 2 years after payment of the taxes but will be available for expenditure by the fire district board.

SB 76

AN ACT relating to reorganization.

Confirms Executive Order 2006-678, dated June 19, 2006, except for the provision abolishing the East Kentucky Corporation; changes the name of the Department for Local Government to the Governor's Office for Local Development (GOLD); amends KRS 147A.002 to establish the organizational structure of GOLD to consist of the Office of Financial Management and Administration, Office of Federal Grants, Office of State Grants, Office of Legal Services, and Office of Field Services, with each office headed by an executive director; amends KRS 147A.003 to attach the Kentucky Infrastructure Authority to GOLD rather than to the Office of the Governor; provides that office space for the authority be provided by GOLD; amends KRS 147A.200 to add the Kentucky Infrastructure Authority to the members of the Gas System Restoration and Development Project Account Review Board; amends and repeals various statutes to abolish the Division of Flood Control, Kentucky Community Development Office, Kentucky Appalachian Commission, West Kentucky Corporation, Water Resource Development Commission, Appalachian Development Council, Flood Control Advisory Commission, County Officials' Compensation Board, Local Government Advisory Commission, State-Federal Council for Balanced Economic Growth, and Kentucky Urban Affairs Council; and provides directions to the reviser of statutes.

SB 79

AN ACT relating to reorganization.

Amends KRS 194A.030 to establish the Department for Aging and Independent Living and the Governor's Office of Wellness and Physical Activity as independent entities within the Cabinet for Health and Family Services; moves the Division of Women's Physical and Mental Health from the Department for Human Support Services to the Department for Public Health; amends KRS 12.020 to conform; amends KRS 194A.085 to conform; repeals and reenacts KRS 11.550 as a new section of KRS 194A; moves the Telehealth Board from the Commonwealth Office of Technology to the Cabinet for Health and Family Services; amends KRS 148.527, 194A.135, 194A.622, 194A.700, 194A.705, 194A.707, 194A.709, 194A.715, 194A.723, 194A.729, 205.179, 205.470, 209.005, 209.500, 210.031, 210.502, 216.265, 216.541, 216.583, 216.787, 216.793, 216B.332, 205.559, 304.17A-138, and 342.315 to conform; confirms Executive Order 2006-693 dated June 20, 2006, relating to the transfer of the Telehealth Board; confirms Executive Order 2006-1195 dated September 19, 2006, which reorganizes the service regions of the Department for Community Based Services in the Cabinet for Health and Family Services; and confirms Executive Order 2006-1550 dated December

18, 2006, relating to establishing the Department of Aging and Independent Living and other agencies.

SB 82

AN ACT relating to brownfields redevelopment.

Amends KRS 132.010 to provide definitions for “hazardous substances,” “pollutant or contaminate,” and “release” and to provide for amended definition of “qualifying voluntary environmental remediation property”; amends KRS 132.020 to replace “bona fide prospective purchaser” with “property owner”; amends the requirements for a property owner’s qualification for a \$0.015 per \$100 ad valorem state tax rate; replaces the term “covenant not to sue” with “No Further Action Letter”; amends KRS 132.200 to replace issuance of a covenant not to sue by the Environmental and Public Protection Cabinet for all known releases on the property with Environmental and Public Protection Cabinet’s issuance of a No Further Action Letter or its equivalent, pursuant to the correction of the effect of all known releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products located on the property consistent with a corrective action plan approved by the environmental and Public Protection Cabinet; amends KRS 141.418 to define “hazardous substances,” “pollutant or contaminant,” “petroleum,” “petroleum products,” and “release”; amends the definition of “qualifying voluntary environmental remediation property”; and provides that taxpayers claiming a credit shall submit receipts to the Environmental and Public Protection Cabinet.

SB 83

AN ACT relating to speed limits.

Amends KRS 189.390 to establish a maximum speed limit of 65 miles per hour for interstate highways, 55 miles per hour on all other state highways, and 35 miles per hour on roads in a business or residential district; prohibits the secretary of transportation from increasing any speed limit in excess of 65 miles per hour, except upon the basis of an engineering and traffic investigation when the secretary may increase the speed limit to 70 miles per hour on specific portions of interstate highways or parkways with four or more lanes; and amends KRS 189.340 to conform.

SB 88

AN ACT relating to drugs.

Amends KRS 218A.010 relating to controlled substances definitions to define, for criminal prosecution purposes only, “good faith prior examination,” “medical history,” “medical order,” “medical record,” and “practitioner-patient relationship”; defines “practitioner” as including a person authorized by state or federal law to acquire controlled substances; defines “telehealth” as having the same meaning as KRS 311.550 relating to telehealth programs; amends KRS 218A.140, relating to controlled substances, to prohibit knowingly obtaining or attempting to obtain a prescription for a controlled substance without having a valid practitioner-patient relationship; prohibits knowingly assisting a person in obtaining or attempting to obtain a prescription in violation of controlled substances statutes; amends KRS 218A.1402, relating to criminal conspiracy, to provide the same penalty for conspiracy as for the underlying offense in controlled

substances cases; amends KRS 218A.202, relating to the KASPER system, to prohibit disclosure of prescription data other than to persons or entities entitled to receive the information; prohibits use of KASPER information in most civil actions; changes failure of a dispenser to provide information to the KASPER system from knowing to intentional and increases the penalty for a second or subsequent offense to a Class D felony; increases the penalty for intentional, rather than knowing, disclosure of KASPER data to unauthorized persons to a Class C felony for a subsequent offense; creates a new section of KRS Chapter 218A to create the crime of criminal possession of a medical record with intent to illegally obtain a controlled substance as a Class D felony for the first offense and a Class C felony for subsequent offenses; creates the crime of theft of a medical record for taking a medical record with intent to violate Chapter 218A as a Class D felony for the first offense and a Class C felony for subsequent offenses; creates the offense of criminal falsification of a medical record with intent to violate Chapter 218A as a Class D felony for the first offense and a Class C felony for subsequent offenses; amends KRS 315.010, relating to definitions for pharmacy licensing, to delete definition of “incidental” and add “legends of Rx Only” and “Rx” to definitions of “prescription drug”; amends KRS 315.035, relating to pharmacy licensing, to add the provision that any pharmacy in the Commonwealth that dispenses more than 25 percent of its total prescription volume over the Internet or by electronic mail have a Verified Internet Pharmacy Practice Site (VIPPS) seal or substantially similar seal approved by the Kentucky Board of Pharmacy; amends KRS 315.0351, relating to out-of state pharmacies, to provide that any pharmacy outside the Commonwealth that dispenses more than 25 percent of its total prescription volume in Kentucky have a VIPPS seal or similar seal approved by the Kentucky Board of Pharmacy; requires out-of-state pharmacies to require a return address on drug packages shipped into Kentucky to be the address on file with the Kentucky Board of Pharmacy; permits the Kentucky Board of Pharmacy to exempt out-of-state pharmacies doing limited business in Kentucky from requirements; amends KRS 315.320 extending operating a pharmacy without a license provisions to require licensure by the Commonwealth of Kentucky to include an out-of-state pharmacy that communicates with Kentucky residents via the Internet; exempts from penalty a pharmacy that lets its license lapse for a period of not more than 30 days and specifies other exemptions; amends KRS 218A.1446, relating to requiring pseudoephedrine, ephedrine, and phenylpropanolamine record keeping, to require electronic record keeping and reporting to the state, to permit exemption upon showing of imposition of additional cost, and to add to record keeping exemptions a pharmacy with a valid permit from the Kentucky Board of Pharmacy; amends KRS 218A.420, relating to asset forfeiture in controlled substances cases, to permit a law enforcement agency to sell seized property for cash; provides that coin, currency, or proceeds from the sale of forfeited property be distributed 85 percent to the law enforcement agency or agencies seizing the property and 15 percent to the attorney general, if applicable, or distribute the 15 percent to the Prosecutor’s Advisory Council for distribution to the Commonwealth’s attorney or county attorney prosecuting the case; provides for training of peace officers from agencies seizing property in asset forfeiture; requires the Department of Criminal Justice Training to issue an asset forfeiture manual for law enforcement agencies to follow; permits individual law enforcement agencies to adopt stricter standards for asset forfeiture; provides for sale of seized vehicles by the seizing law enforcement agency and

requires the law enforcement agency to pay any bona fide perfected security interest on a forfeited vehicle; provides for the apportionment of funds in forfeiture cases by the trial court if more than one agency participated in the seizure; amends KRS 218A.440 and 218A.460, relating to asset forfeiture, to conform; and repeals KRS 218A.435 relating to the asset forfeiture trust fund, management, and distribution.

SB 91

AN ACT relating to fertilizer.

Amends KRS 217B.270 to add fertilizer as a product subject solely to state regulation; creates a new section of KRS 250.361 to 250.451 to declare that no local government shall regulate fertilizer; and specifies that planning and zoning authority shall not be abrogated, nor shall state and federal reporting requirements be waived.

SB 92

AN ACT relating to the Kentucky Soil and Water Conservation Commission.

Amends KRS 262.010 to define “infrastructure”; amends KRS 262.620 to include infrastructure and to require amortization of infrastructure in the same manner as equipment; requires the Division of Conservation be listed on the deed with the district; requires the district to consult with the Division of Conservation prior to dispossessing of property if paid for with funds from the division; amends KRS 262.630 to include record keeping procedures for infrastructure acquisitions; amends KRS 262.610 to include authorizing the soil and water conservation commission to assist in acquisition of infrastructure; amends KRS 262.640 to specify the method of payment or amortization on an infrastructure acquisition by a Soil and Water Conservation district; amends KRS 262.650 to allow districts to combine for the purpose of acquiring infrastructure; and amends KRS 262.748 and KRS 262.778 to conform subsection numbering.

SB 98

AN ACT relating to the Medical Assistance Program.

Amends KRS 205.560 to require the Department for Medicaid Services to develop a specific form and guidelines for assessing the credentials of dentists applying for participation in the Medical Assistance Program.

SB 100

AN ACT relating to police in consolidated local governments.

Amends KRS 67C.319 to specify that “seniority” is not “time in grade”; allows examiner to set cutoff scores when the number of applicants exceeds the number of positions available; sets parameters for the establishment of cutoff scores; and allows tie scores to advance in the application process.

SB 103

AN ACT relating to registered nurse first assistants.

Amends KRS 342.035 to require workers’ compensation insurance carriers, workers’ compensation self-insured groups, and workers’ compensation self-insured employers to provide coverage and direct payment for surgical first assisting services performed by a registered nurse first assistant; and applies these provisions only if

reimbursement for an assisting physician would be covered and the registered nurse first assistant who performed the services is used as a substitute for the assisting physician.

SB 104

AN ACT relating to mental illness.

Amends KRS 210.365 to define “crisis intervention team training” for law enforcement officials based on a national model of best practices for intervention with persons who may have a mental illness, substance abuse disorder, mental retardation, developmental disability, or dual diagnosis; requires the Department for Mental Health and Mental Retardation Services to develop the training curriculum in collaboration with the Justice Cabinet, community mental health centers, and statewide advocacy groups; specifies curriculum topics and trainers; requires the department to submit the curriculum and non-law enforcement trainers to the Kentucky Law Enforcement Council for approval and permits the council to waive instructor requirements for non-law enforcement trainers; requires the council to notify of availability of training and permits other approved training entities to use curriculum as specified; requires submission of a law enforcement instructor training course; requires trained officers and agencies to report outcomes of encounters with persons with mental illness, substance abuse disorder, mental retardation, developmental disability, or dual diagnoses; requires the department to aggregate reports and submit to the Justice Cabinet, Cabinet for Health and Family Services, Criminal Justice Council, and Interim Joint Committee on Health and Welfare; permits use of public or private funds if available; and permits the department to contract with a statewide mental health advocacy organization that has at least 5 years’ experience with crisis intervention team training to implement training and requirements.

SB 105

AN ACT relating to the discipline of dental professionals.

Amends KRS 313.330 to provide for a private admonishment for dental hygienists; and amends KRS 313.130 relating to dentists regarding a hearing conducted for a complaint.

SB 111

AN ACT relating to jury service.

Amends KRS 29A.100 to excuse breastfeeding mothers from jury service.

SB 125

AN ACT relating to waste tires.

Amends KRS 224.01-010 to exclude tire-derived fuel from the definitions of “solid waste,” “household waste,” “commercial waste,” and “industrial waste”; adds a definition for “tire-derived fuel” to mean particles not greater than 2 inches by 2 inches; excludes tire-derived fuel from being considered a refuse-derived fuel; amends KRS 224.50-856 to remove local determination requirements for facilities proposing to use tire-derived fuel; and requires the Division of Air Quality to give public notice and comment on application to use tire-derived fuel.

SB 126

AN ACT relating to peace officers.

Amends KRS 431.007 to authorize certain certified peace officers to retain their power of arrest in another jurisdiction when official assistance is requested by the other jurisdiction.

SB 130

AN ACT relating to employee interest in contracts between a public postsecondary education institution and a business.

Creates a new section of KRS Chapter 164 to permit the governing board of a public postsecondary institution to adopt regulations establishing the conditions under which and the procedures whereby an employee may have an interest in a contract between the institution and a business; requires a governing board of a public postsecondary education institution that adopts such a regulation to forward a copy and any subsequent changes to the Legislative Research Commission; and amends KRS 164.131, 164.390, and 164.821 to conform.

SB 134

AN ACT relating to cigarettes.

Creates new sections of KRS 227 to require cigarettes sold and distributed in Kentucky to comply with fire-safe performance standards; defines “agent,” “cigarette,” “manufacturer,” “quality control and assurance program,” “repeatability,” “retail dealer,” “sale,” “sell,” and “wholesale dealer”; establishes cigarette ignition propensity testing standards; allows for equivalent cigarette ignition propensity testing standards; requires periodic reporting to the legislature; requires manufacturers to submit written certifications to state; sets out requirements for cigarette package markings; requires manufacturers to pay certification fees and establishes a fund for the fees; specifies civil penalties for violations; empowers state agencies to conduct inspections; creates a special “Fire Prevention and Public Safety Fund”; allows for exemptions; and specifies federal preemption.

SB 143

AN ACT relating to the University of Kentucky, making an appropriation therefor, and declaring an emergency.

Authorizes the University of Kentucky to use Restricted Funds for the Samaritan Clinical Facility; EMERGENCY.

SB 144

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes relating to the former Justice Cabinet, now Justice and Public Safety Cabinet, and amends the names of the agencies within that cabinet; creates the Office of Drug Control Policy within the cabinet and elevates and renames the former Division of Vehicle Enforcement to the Department of Kentucky Vehicle Enforcement; establishes the Office of Investigations within the cabinet and restricts its investigatory authority to matters within the cabinet; establishes the Department of Public Advocacy as an independent agency attached to the cabinet for

administrative purposes only; expands membership of the Kentucky Law Enforcement Council and reduces membership of the Criminal Justice Council; and amends and repeals various sections of the Kentucky Revised Statutes to conform.

SB 145

AN ACT relating to oaths.

Amends KRS 62.040, relating to a peace officer's oath to suppress gaming, to permit any person authorized by KRS 62.020 to administer the oath; amends KRS 70.010, relating to the oath taken by the sheriff, to permit the oath to be administered by any person authorized by KRS 62.020 to administer an oath; and amends KRS 62.020, relating to who may administer an oath, to permit a member of the General Assembly to administer an oath anywhere in the state.

SB 153

AN ACT relating to the certification of court security officers.

Amends various sections of KRS Chapter 15 relating to the certification of officers; adds court security officers and Commonwealth detectives to list of persons required to be certified; creates new sections of KRS Chapter 15 to establish prerequisites and standards for certification; and creates new sections of KRS Chapter 70 to delineate duties of court security officers and to require the Administrative Office of the Courts to contract with local units of government for court security officers if a sheriff refuses or fails to provide court security officers.

SB 171

AN ACT relating to unemployment insurance.

Amends KRS 271B.14-220 to require, effective July 1, 2008, a certificate from the Division of Unemployment Insurance ensuring that all contributions, interests, and penalties have been paid before reinstatement of a dissolved or revoked corporation; amends KRS 341.300 to extend the time to collect unpaid contributions, interest, or penalties from 5 years to 10 years; amends KRS 341.410 to delete reference to "worker's benefit year" as the period the secretary is authorized to make further determinations of a worker's eligibility for benefits and provides that such further determinations may be appealed; and amends KRS 341.800 to extend the expiration time on liens and levies filed from 5 years to 10 years.

SB 175

AN ACT relating to providing claims experience data to large group health benefit plans.

Amends KRS 304.17A-846 to require health insurers to provide large group health benefit plans with 51 or more enrolled employees information relating to the large group plan, which includes total premiums paid by month, total number of insureds on a monthly basis by coverage tier, and additional utilization data to help the employer measure costs in certain areas; requires the information to be provided within 30 calendar days after receipt of a written request; and requires insurers to produce requested reports not more than twice annually.

SB 185

AN ACT relating to military affairs.

Amends KRS 36.025 to allow the governor to appoint deputy adjutants general for the Army National Guard and Air National Guard.

SB 186

AN ACT relating to military affairs.

Amends KRS 198A.040 to require the Kentucky Housing Corporation to provide assistance to a regular member of the United States Armed Forces, who names Kentucky as home of record for military purposes, during that member's deployment on active duty outside the United States; amends KRS 36.480 to require the Kentucky Department of Military Affairs to post information on its Web site to assist military spouses in obtaining professional and occupational licenses, certificates, and other credentials; deletes the requirement that the Kentucky Department of Military Affairs establish other procedures to assist military spouses in obtaining these credentials; and repeals KRS 36.478.

SB 187

AN ACT relating to abandoned mine land.

Creates a new section of KRS Chapter 350 to allow the cabinet to expend for reclamation projects that are of a lower priority, if done in conjunction with a project assigned a higher priority; amends KRS 350.550 to delete use of Abandoned Mine Land funds for studies conducted by state agencies; amends KRS 350.555 to allow for expenditure on a reclamation project located adjacent to one already assigned a priority by the cabinet; deletes research and development, work on public facilities, and development of publicly owned lands as a priority; amends KRS 350.560 to delete restriction on the use of funds allocated to the Commonwealth by the secretary of the interior; amends KRS 350.575 to prohibit a lien filed against a property owner who did not consent to mining operations requiring reclamation; and amends KRS 350.597 to retain up to 30 percent of the funds allocated to Kentucky in a special trust fund and to include the 2006 amendments to the Surface Mining Reclamation and Control Act in the citation.

SB 196

AN ACT relating to permitting for industrial energy facilities.

Amends KRS 224.01-010 to define "industrial energy facility" as one that produces transportation fuels, synthetic natural gas, chemicals, or electricity through a gasification process using coal, coal waste, or biomass resources; amends KRS 224.10-225 to make industrial energy facilities eligible for one-stop shopping for environmental permits; amends KRS 224.10-470 to require that permitting appeals be heard in the Circuit Court of the county where the proposed facility is to be located rather than in Franklin Circuit Court; and amends KRS 278.700 to exempt industrial energy facilities from Siting Board approval.

SJR 6

Directs the Kentucky Office on Alzheimer's Disease and Related Disorders and the Alzheimer's Disease and Related Disorders Advisory Council within the Cabinet for

Health and Family Services to assess the impact of Alzheimer's disease on Kentuckians, to examine the existing services and resources addressing the needs of persons with Alzheimer's, and to develop a strategy to mobilize a state response to meet those needs; and requires the council to submit a report of its findings and recommendations to the Kentucky General Assembly and the Governor no later than January 2008.

SJR 16

Directs the Transportation Cabinet to designate Interstate 65 in Jefferson County from the Kentucky/Indiana state line to the Jefferson County/Bullitt County line as the "Dr. Martin Luther King, Jr., Expressway" and to erect signs at the appropriate intervals.

SJR 48

Directs the Cabinet for Health and Family Services to enter into reciprocal agreements with other states relative to the KASPER drug monitoring program and to upgrade the system to allow users real-time access to its data, with a report on progress toward these objectives being made to the Legislative Research Commission.

SJR 93

Directs the Transportation Cabinet to erect signs and name various portions of several roads and bridges in honor of the Tuskegee Airmen; Harlan County coal miners; Abraham Lincoln; Martin Luther King, Jr.; Bennett Shortridge; Jesse R. Green; Brandon Webb; John W.D. Bowling; Ottis Reed; Colonel Larry Fuller; Billy Ray Patton; Don Parmley; and the Skaggs brothers Carl, Escom, Hurl, Hunter, and Wilbur.

SJR 109

Establishes an advisory council to consult on and to create a Drought Mitigation and Response Plan.

House Bills

HB 32

AN ACT relating to a student's license or permit to operate a motor vehicle.

Amends KRS 159.051 to delete the requirement that a local school district operate an alternative education program prior to the revocation of a student's operator's license, intermediate license, or instruction permit; and amends KRS 186.470 to require that the application of any minor under the age of 18 for a license or permit include parental consent for the release of academic and attendance information required under KRS 159.051.

HB 46

AN ACT relating to engineers.

Amends KRS 322.160 to allow the State Board of Licensure for Professional Engineers and Land Surveyors to require engineer licensees to provide evidence of completion of the requisite number of continuing education hours if the licensee has failed to renew his or her license within 1 year of expiration; waives the continuing education requirement for engineer licensees during those years that the licensee was on active duty in the Armed Forces of the United States; amends KRS 322.290 to require the board to adopt a program for continuing education for its individual engineer licensees; forbids licensees from renewing their licenses unless the continuing education requirements are met; prohibits any continuing education requirement that exceeds 15 clock hours per year or that includes testing or examination of the engineer licensee; and exempts any engineer licensee from the continuing education requirement if he or she was first licensed in Kentucky prior to January 1, 1972, and has maintained the license in good standing since becoming licensed.

HB 50

AN ACT relating to local school board members.

Amends KRS 160.280 to increase the maximum amount of annual expenses for which local school board members can be reimbursed for meetings to \$3,000; removes distinction for counties containing a city of the first class; amends KRS 18A.225 to include a local school board member in the definition of "employee" as it relates to the state health insurance plan; and amends KRS 161.158 to require a local school board member to adopt policies or regulations that shall provide for deductions from per diem and actual expenses payments for membership dues, health insurance purchases, scholarship funds, and contributions to a political action committee.

HB 66

AN ACT relating to elections.

Amends KRS 118.105 to allow 10 days, excluding weekends and legal holidays, for a replacement candidate to be nominated should a vacancy occur prior to September 15 of the year of the election and to exclude weekends and legal holidays in the 5 days allowed for a replacement to be nominated on or after September 15; and amends KRS 118.305 to clarify that any reprogramming of voting machines necessary to reflect a

replacement candidate is at the expense of the political party or parties offering a replacement candidate.

HB 69

AN ACT relating to economic development and declaring an emergency.

Amends KRS 154.26-010 to allow an approved company to remain in operation or resume operation in the event a facility has been temporarily closed; allows an eligible company to have an annual mine plan that targets raw production of at least 3 million tons of coal; and declares an EMERGENCY.

HB 71

AN ACT designating bluegrass music as the official state music of Kentucky.

Creates a new section of KRS Chapter 2 to designate bluegrass music as the official state music of Kentucky.

HB 78

AN ACT relating to peace officers.

Amends KRS 15.400, relating to certification of grandfathered peace officers, to permit an officer to retain certification if employed within 60 days by another law enforcement agency that is subject to certification; amends KRS 15.380 to allow Commonwealth detectives and county detectives to participate in the peace officer certification program; amends KRS 15.386 and 15.392, relating to peace officer certification, to conform; and makes provisions RETROACTIVE to July 1, 2004.

HB 82

AN ACT relating to crimes and punishments.

Amends KRS 365.250, relating to junkyards and other purchasers of used copper metal, to require them to keep a register of sellers and make the information available to law enforcement agencies; requires reporting to the sheriff and to the police department, if there is a police department; and amends KRS 365.990, relating to penalties, to conform.

HB 83

AN ACT relating to fiduciaries.

Amends KRS 395.610 to require a fiduciary, testamentary trustee, or conservator of a mentally disabled person to render an accounting when ordered by a court.

HB 94

AN ACT relating to methamphetamine contamination.

Creates a new section of Subchapter 1 of KRS Chapter 224 to establish standards and procedures for the cleanup of properties contaminated by clandestine methamphetamine production; defines terms; provides statutory standards for cleanup and allows alternative standards by administrative regulation; requires contractors to register with the Environmental and Public Protection Cabinet; requires that before the Environmental and Public Protection Cabinet certifies a contractor, the contractor shall post a surety bond or other financial assurance in the amount of \$500,000 and shall

provide proof of insurance; requires that the day a local law enforcement agency learns of methamphetamine contamination of a property, the agency shall notify the local health department by fax or e-mail of the contamination; requires the local health department to post a notice of methamphetamine contamination on the contaminated property; and amends KRS 198A.040 to require the Kentucky Housing Corporation to establish a program to assist persons and families of lower and moderate income to help defray costs of assessment and decontamination services.

HB 102

AN ACT relating to the Kentucky Gas Pipeline Authority.

Amends KRS 353.750 to 353.776 to add carbon dioxide gas, crude oil, or petroleum products to the definition of gases that may be transported to market by the Kentucky Gas Pipeline Authority.

HB 107

AN ACT relating to incompatible offices.

Amends KRS 61.080 to allow state, county, district, or city officers to serve as volunteer firefighters.

HB 108

AN ACT relating to the preservation of rock fences and making an appropriation therefor.

Creates new sections of KRS Chapter 171 and amends KRS 171.381 to create the Rock Fence Preservation Program and the Rock Fence Preservation Fund, to provide for the preservation of rock fences, and to provide limits on the use of funds for approved fences and uses.

HB 114

AN ACT relating to jail canteen accounts.

Amends KRS 441.135 to require jail canteen account funds for jails, except for those in consolidated local governments and urban-county governments, to be at prescribed minimum levels on the first day of each fiscal year, rather than requiring the fiscal court to transfer a flat amount of funds into the accounts each fiscal year.

HB 115

AN ACT relating to local government.

Repeals KRS 97.405, relating to “colored” parks; and amends other sections of KRS Chapter 97 to conform.

HB 120

AN ACT relating to farmers markets and declaring an emergency.

Amends KRS 217.015 to define “farmers market temporary food service establishment”; amends KRS 217.125 to require an applicant for a permit to operate a farmers market temporary food service establishment to pay an application fee of at least \$50; requires the secretary to establish a fee schedule by administrative regulation; requires an applicant for a permit to operate a farmers market temporary food service

establishment to complete a food safety training program; requires a 30-day period to elapse before issuance of a new temporary food service establishment permit to the same operator to operate at the same location; prohibits issuance of permits to operate a temporary food service establishment and a farmers market temporary food service establishment simultaneously at the same location by the same operator; requires a 30-day period to elapse before a new permit may be issued for either a temporary food service establishment or a farmers market temporary food service establishment; and declares an EMERGENCY.

HB 128

AN ACT relating to honoring military service through education benefits.

Amends KRS 164.507 to waive the public higher education or vocational education tuition of a person who is the child of a deceased veteran and who is under the age of 26, rather than who is under the age of 23; extends the waiver from 36 to 45 months of education or training; amends KRS 164.515 to waive the public higher education or vocational education tuition of a person who is the child of a permanently and totally disabled veteran or member of a reserve component and who is under the age of 26, rather than who is under the age of 23; and extends the waiver from 36 to 45 months of education or training.

HB 130

AN ACT relating to reorganization.

Confirms Executive Order 2006-1438, dated November 20, 2006, to change the name of the Carl D. Perkins Rehabilitation Center in the Department of Workforce Investment in the Education Cabinet to the division of the Carl D. Perkins Vocational Training Center.

HB 137

AN ACT relating to petroleum storage tanks and declaring an emergency.

Amends KRS 224.60-142 to extend the deadline date to submit applications from July 15, 2006, to July 15, 2010; amends KRS 224.60-130 to conform and to continue the small-operator assistance account and small-operator tank removal account until 2010.

HB 138

AN ACT relating to alcoholic beverages.

Amends the KRS 241.010 definition of "limited restaurant" to include a restaurant with a minimum seating capacity of 50 that has no bar; defines "qualified historic site"; creates a new section of KRS Chapter 242 to authorize local option elections for the limited sale of alcoholic beverages by the drink at qualified historic sites; amends KRS 243.030 to provide a licensing fee for qualified historic sites selling alcoholic beverages by the drink; amends KRS 243.040 to provide a malt beverage licensing fee for qualified historic sites; creates a new section of KRS Chapter 243 to specify the authority and limitations of a qualified historic site license; amends KRS 243.050 to allow the issuance of a license for a qualified historic site in the interest of tourism promotion; amends KRS 244.500 to permit novelty items to be sold with malt beverages if the cost of the novelty item is included in the purchase price; creates a new section of KRS Chapter 242 to

provide for a local option election for the sale of alcoholic beverages by the drink at restaurants and dining facilities that seat a minimum of 50 people and derive a minimum of 70 percent of their gross receipts from the sale of food if beverages are purchased in conjunction with a meal; amends KRS 243.033 to extend caterers' licenses to serve malt and alcoholic beverages in cities and counties in which a local option election as specified in Section 8 was adopted; and amends KRS 244.290, 244.295, and 244.480 to permit counties containing an urban-county government where Sunday sales of distilled spirits, malt beverages, and wine by the drink have been previously approved to establish by ordinance the hours during which the alcoholic beverages may be sold.

HB 144

AN ACT relating to motor vehicle registration.

Amends KRS 186.162, relating to motor vehicle registration, to reduce the threshold from 70 percent service-connected disability to 50 percent service-connected disability for disabled veterans' eligibility for disabled veteran license plates.

HB 145

AN ACT relating to school districts.

Amends KRS 159.150 to establish that the attendance record of a student is cumulative during a school year; requires that when a student transfers to a new school, his or her attendance records from the previous school shall be used in the determination of the student's status as a truant; amends KRS 159.170 to require a school district to notify and provide student information to the Kentucky Department of Education when a student withdraws from or enrolls in a school in its district; requires the Kentucky Department of Education to forward information including attendance records to a school district receiving a transfer student; requires the Kentucky Department of Education to assure that the student information system facilitates the collection of student data and the transfer of records among school districts and schools; and amends KRS 45A.352 to exempt a local school district from seeking approval from the commissioner of education to enter a guaranteed energy savings contract that does not involve construction or the installation of physical improvements and to exempt the contract from other provisions of this section.

HB 156

AN ACT relating to charitable gaming.

Amends KRS 238.550 to increase the reporting requirement for donated prizes and to establish how frequently reports must be filed; amends KRS 238.560 to clarify willful violations and to require a letter of warning for not-willful violations; amends KRS 238.570 to provide for a fee adjustment process and to require a fee adjustment each biennium; amends KRS 238.520 to change the composition of the members of the Charitable Gaming Advisory Commission; amends KRS 238.515 and creates a new section of KRS Chapter 238 to establish requirements for the promulgation of administrative regulations and restrictions on when regulations may be promulgated; amends KRS 238.535 to allow certain charity fundraising events to be held in a county other than the county where the charity is organized; amends KRS 238.540 to change the notice requirements when the location of a charitable gaming event is to be changed; and

amends KRS 238.505 to include a convention of charitable gaming organizations as a charitable gaming event.

HB 177

AN ACT changing the classification of the City of Crestview Hills in Kenton County.

Reclassifies the City of Crestview Hills, in Kenton County, population 3,152, from a city of the fifth class to a city of the fourth class.

HB 185

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

Creates new sections of KRS Chapter 211 to declare legislative findings regarding cardiovascular disease in Kentucky and the need for a statewide initiative to reduce the impact of cardiovascular disease and to increase knowledge based business in Kentucky; specifies goals of the initiative; establishes a statewide board appointed by the secretary of the Cabinet for Health and Family Services and attaches the board to the cabinet for administrative purposes; specifies board members and terms and permits reimbursement for travel expenses only; requires the board to establish goals and business plans for 1-, 3-, 5-, and 10-year time periods that address outreach, early identification, education, follow-up strategies for at-risk populations, improving access to information for patients and health care professionals, research on cardiovascular disease and treatment, commercialization of products, and patient privacy protections; requires the board to present plans to the General Assembly prior to expenditures or implementation; and requires business plans be available to the public; permits the cardiovascular disease initiative board to create public or nonprofit corporations that may receive and expend funds; requires a corporation to have audits and report on expenditures to legislative committees; permits the cabinet to spend available funds on the cardiovascular initiative; establishes a Kentucky Cardiovascular Disease Initiative Fund as a separate revolving fund; amends KRS 216.267 to permit the Kentucky e-Health Network Board to establish a public or nonprofit e-health corporation to facilitate public-private collaboration in the implementation and development of the Kentucky e-health network; and appropriates \$4,987,583 in federal grant funds for fiscal year 2007-2008 to the Cabinet for Health and Family Services for the Kentucky Health Information Partnership program in the Department for Medicaid Services.

HB 191

AN ACT relating to crimes and punishments.

Amends KRS 439.3405 to require crime victim and prosecutorial notice for medical parole hearings; creates a new section of KRS Chapter 441 to permit a local jail to transfer a prisoner to the Department of Corrections for specialized or long-term medical care; creates a new section of KRS Chapter 441 to require insurance carriers to pay for medical care of their insured when in a county jail and not a prisoner of the state; creates a new section of KRS Chapter 441 to require the use of the state pharmacy and medical, dental, or psychological care access plans unless an equal or better plan can be secured at less cost; creates a noncodified section to provide up to \$1 million to the

Department of Corrections for medical care access plan and \$1.5 million to Department of Corrections, if needed, as a necessary governmental expense from existing budgetary expenditures.

HB 192

AN ACT relating to cotton.

Creates new sections of KRS Chapter 247 to define terms relating to cotton; requires the commissioner to carry out programs to eliminate boll weevils in Kentucky; requires cotton growers to provide the commissioner information as to where cotton is being grown; requires the commissioner to promulgate administrative regulations relating to cotton; allows the commissioner to designate areas in the state where cotton cannot be grown and to destroy it if it is grown; prohibits cotton from being imported into the state from areas determined to be infested; allows cotton growers to hold referenda that would allow an assessment on the growers to offset the cost of boll weevil eradication programs; and establishes the procedures for carrying out a referendum.

HB 207

AN ACT relating to mine safety.

Amends KRS 351.025 to allow for a miner's certification to be probated for more than 10 working days; deletes probation of mine license for only first offense; requires Mine Safety Review Commission to establish procedures for receipt of complaints of miners being forced to work under unsafe working conditions; amends KRS 351.030 to permit the executor or administrator of a deceased miner's estate, miners injured in an accident, and miners significantly affected to be granted the right of intervention during the penalty phase of the proceeding; makes hearings open proceedings and allows any party to submit information related to a mine accident to the chief accident investigator; amends KRS 351.070 to close all accident interviews; requires the commissioner to ascertain the cause in 60 days of any accident involving serious physical injury; requires the Office of Mine Safety and Licensing to appoint a full-time employee to act as the family liaison and specifies the credentials of a family liaison; requires mine seal construction plans be submitted to the department; amends KRS 351.090 to require six underground inspections annually and requires that at least two inspections be electrical inspections; requires that one or more employees be electrical inspectors; requires background checks by fingerprint of mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors; amends KRS 351.1041 to allow the Mine Safety Review Commission to receive allegations of unsafe working conditions and to make reports of serious physical injuries; amends KRS 351.1055 to make the Mine Equipment Review Panel a permanent panel and requires an annual report of the panel to the Interim Joint Committee on Agriculture and Natural Resources; permits the commissioner to implement the recommendations of the mine equipment panel absent budgetary constraints or laws to the contrary; amends KRS 351.106 to require 6 hours of annual training on changes in mine safety laws, technology, and ways to improve safe practices for mine foremen; prohibits the commissioner from granting certification to a miner whose certification was suspended or revoked by another state; amends KRS 351.127 to require two certified emergency medical technicians to be on duty during a shift engaged in the production of coal and at least one on a non-production shift; requires at least one

of the two emergency medical technicians to be underground when the miners are underground; amends KRS 351.140 to provide for six underground inspections and requires two of those inspections be electrical inspections; amends KRS 351.175 to require a mine seal construction plan and roof control plan be approved by the Mine Safety and Health Administration and be submitted to the commissioner when obtaining a license; amends KRS 351.194 to require that hearings be conducted in accordance with KRS Chapter 13B and KRS Chapter 351; amends KRS 352.020 to require ventilation fans to run continuously; permits a 15-minute leeway for an unintentional stoppage within which the miners are not required to be evacuated from the mine; requires a preshift examination before miners are returned to working section if they do not reach the surface before the ventilation fans are restarted; amends KRS 352.090 to require seal construction plans be approved by the Mine Safety and Health Administration and that seal construction be done according to the plan; amends KRS 352.133 to require caches of self-contained self-rescuers be maintained in accordance with the section; deletes the requirement to attach intrinsically safe strobe lights; amends KRS 352.135 to require that lifeline cords be constructed of flame resistant materials and to require implementation within 180 days after the effective date of the section; amends KRS 352.145 to require surface preshift examinations and preoperational equipment examinations at all mines; specifies checks of areas and equipment and how checks are recorded; amends KRS 352.150 to require efficient equipment be available on all underground sections to transport all injured miners to the surface; amends KRS 352.170 to require deployment of additional multi-gas detection devices and identifies who receives those devices; requires signs that explain how miners can calibrate the multi-gas detection device; amends KRS 352.180 to delete other serious injury from the type of accident that requires a 15-minute reporting time; allows the commissioner or authorized representative to have subpoena power for investigations of unsafe working conditions; amends KRS 352.201 to require a pillar removal plan and notification of the Office of Mine Safety and Licensing 48 hours prior to commencement of the pillar removal plan; requires the Office of Mine Safety and Licensing to ensure all persons participating in the plan have been trained in it; amends KRS 352.220 to require all electrical work be performed by a certified electrician; creates noncodified sections to require the secretary of the Environmental and Public Protection Cabinet to employ not more than 15 mine safety analysts as funds are available; requires the commissioner of natural resources to study risk-based assessment for determining the number of inspections at a mine; and establishes effective dates for the inspection requirements and for the deployment of multi-gas detection devices.

HB 215

AN ACT relating to motor vehicle special license plates.

Amends KRS 186.164 to permit the reissuance of a special license plate for use on another vehicle leased or acquired by the licensee during the current registration period upon payment of the \$3 clerk fee; and requires an owner or lessee who has a special license plate reissued for a vehicle previously registered in this state to return the regular license plate being replaced to the county clerk.

HB 216

AN ACT relating to fish and wildlife resources.

Creates a new section of KRS Chapter 150 to allow for the issuance of cooperator permits; and amends KRS 150.177 to delete a reference to cooperator permits.

HB 225

AN ACT relating to veterans.

Creates a new section of KRS Chapter 40 to establish the Kentucky Wounded or Disabled Veterans Program within the Kentucky Department of Veterans' Affairs; requires the program to ease the transition from active service for wounded or disabled veterans and to ensure that wounded or disabled veterans receive the federal, state, and private benefits to which they are entitled as wounded or disabled veterans; requires the designation of a Wounded or Disabled Veterans Coordinator for the Commonwealth; requires the Kentucky Department of Veterans' Affairs to enter into data-sharing agreements with the United States Department of Veterans Affairs and the Department of Defense to obtain information with regard to a Kentucky wounded or disabled veteran; permits the Wounded Veterans Coordinator for the Commonwealth or his or her designee, with the consent of a wounded or disabled veteran, to obtain personal information concerning that veteran for the sole purpose of implementing the program; prohibits public disclosure of the information; requires the Kentucky Department of Veterans' Affairs to promulgate administrative regulations to carry out the provisions of the section; and amends KRS 161.168 to make retroactive to January 1, 2003, the requirement that the Commonwealth pay a school employee's retirement contribution for the period of time that employee serves in active combat service.

HB 228

AN ACT relating to consumer protection.

Amends KRS 367.374 to permit the governor during a Condition Red or state of emergency to implement by executive order for a period of 30 days the prohibition against selling or renting goods and services in excess of the price prior to the declaration if the excess price is unrelated to any increased cost to the seller; and limits the executive order to the geographic area indicated in the declaration of emergency.

HB 230

AN ACT relating to the operation of school buses.

Creates a new section of KRS 281A to define the term "cellular telephone"; prohibits, under certain conditions, the use of a cellular telephone by a school bus driver; and amends KRS 281A.190 to establish the fine for using a cellular phone while driving a school bus.

HB 243

AN ACT relating to the Kentucky Single Family Dwellings Advisory Committee.

Creates a new section of KRS Chapter 198B to establish the Kentucky Single Family Dwellings Advisory Committee; attaches it to the Office of Housing, Buildings and Construction (OHBC) for administrative purposes; establishes the membership of the eight-member committee as three home builders, three certified code inspectors, an

architect, and the executive director of the OHBC; sets forth qualifications; establishes 3-year staggered terms; specifies the initial terms; prohibits serving more than two consecutive terms; permits members to serve until their successors are appointed; designates the executive director of the OHBC as chair; establishes the quorum, meetings, and per diem; directs the new committee to review and interpret the International Building Code and make recommendations to the Kentucky Board of Housing, Buildings and Construction as to which elements should be incorporated into the Kentucky State Residential Building Code; and requires the new committee to perform any other duties and responsibilities relating to single-family dwellings that may be assigned by the Kentucky Board of Housing, Buildings and Construction.

HB 244

AN ACT relating to taxation of hospital services.

Amends KRS 142.303 to provide that, beginning in state fiscal year 2008-2009 and continuing each year, the tax imposed on providers of hospital services will be assessed on gross revenues received by providers during state fiscal year 2005-2006; provides for payments of hospital provider taxes due to be made in 12 equal installments; requires the Department of Revenue to send a notice to providers at least 30 days prior to the beginning of the fiscal year; applies the tax according to the hospital's fiscal year 2005-2006 revenues regardless of any subsequent change in ownership; and creates a new section of KRS Chapter 205 to require that \$26,673,764 from hospital provider tax collections during fiscal year 2008-2009, and continuing each year, is to be matched by federal funds and used solely for enhancements implemented during fiscal years 2006 and 2007.

HB 246

AN ACT relating to deceptive business practices.

Creates a new section of KRS Chapter 367, relating to consumer protection, to prohibit misrepresentation of geographic location of floral businesses in telephone directories and other directory assistance databases; and amends KRS 367.990 to provide a penalty of \$2,500 per violation and to authorize either the attorney general or the appropriate Commonwealth's attorney to prosecute violations.

HB 258

AN ACT relating to taxation.

Amends KRS 67.750 and 141.010 to make the Internal Revenue Code reference date December 31, 2006, and to disallow the dividend paid deduction to captive real estate investment trusts.

HB 259

AN ACT relating to the practice of accounting.

Creates a new provision of KRS Chapter 325 to grant the board personal and subject matter jurisdiction over a nonlicensee whose practice of accounting harms a person in the Commonwealth; amends KRS 325.240 to replace the requirement that the board elect a secretary and treasurer with the requirement that the board elect other officers as needed; authorizes the board to join professional accounting organizations and

associations; authorizes the board to use its funds to provide educational programs for elementary and secondary schools to the extent that the expenditure of these funds does not preclude the board from performing its other duties; permits the board to purchase liability insurance for its members, staff, and investigators; amends KRS 325.250 to delete the requirement that the board submit an annual report of its activities to the governor; amends KRS 325.330 to delete references to application and license renewal forms; requires a licensee to notify the board of his or her change of address within 20 days after the change of address occurs; amends KRS 325.340 to require the respondent to pay the costs of the investigation and all proceedings; and amends KRS 325.360 to permit the board to request the respondent to resolve matters through mediation.

HB 273

AN ACT relating to county law libraries.

Amends KRS 172.100 and 172.200, relating to county law libraries, to increase the number of allowable locations for the library and to allow the provision of online legal resources by the library.

HB 280

AN ACT relating to funerals, burials, and other similar occasions and services.

Amends KRS 213.076 to require that at the time of a veteran's death, the involved funeral director shall distribute a fact sheet stating military burial rights to the person who has informed the funeral director of the deceased's veteran status; requires the Kentucky Department of Veterans' Affairs to supply the fact sheet to funeral directors; amends KRS 525.055 to define the crime of disorderly conduct in the first degree when a person engages in certain conduct at a funeral; and amends KRS 525.155 to define the crime of interference with a funeral.

HB 282

AN ACT relating to continuing care retirement communities.

Amends KRS 216B.335, relating to the sunset clause for the establishment of continuing care retirement community nursing home beds, to specify that the sunset clause ends December 31, 2012.

HB 285

AN ACT relating to nonresident student contracts.

Amends KRS 157.350 to specify what factors shall be considered by the commissioner of education and the Kentucky Board of Education when making a decision to settle a dispute between school districts relating to nonresident student contracts.

HB 287

AN ACT relating to the Uniform Emergency Volunteer Health Practitioners Act.

Establishes KRS Chapter 39G and creates various new sections thereof; defines terms; permits volunteer health practitioners licensed in other states to provide services in Kentucky during an emergency declaration; authorizes the Cabinet for Health and Family Services in coordination with the Kentucky Division of Emergency Management and

licensure boards to limit, restrict, and regulate the duration of practice by volunteer health practitioners, geographical locations, and types of volunteers; requires host entities using volunteers in Kentucky to coordinate with the Cabinet for Health and Family Services; creates a registration system for volunteers; requires the system to verify that the licensure of volunteers is in good standing and to confirm whether volunteer health practitioners are registered in the registration system; requires volunteer practitioners to adhere to the scope of practice for a similarly licensed practitioner in Kentucky and to adhere to Kentucky laws; prohibits this Act from limiting rights, privileges, or immunities provided to volunteer health practitioners by other laws or from affecting requirements for the use of health practitioners under the Emergency Management Assistance Compact; authorizes the Cabinet for Health and Family Services to promulgate administrative regulations to implement this Act; amends KRS 311.560, 312.018, 313.030, 314.101, 314A.105, 315.020, 319.005, 327.020, 335.010, 321.200, and 321.441 to conform; and cites this Act as the Good Samaritan Act of 2007.

HB 296

AN ACT relating to workers' compensation.

Amends KRS 342.340 to exempt public sector individually self-insured employers who have authority to tax, raise tuition, raise fares, or otherwise generate operational funds from the requirement to post surety with the Department of Workers' Claims; amends KRS 342.0011 to revise the definition of "agriculture" for purposes of workers' compensation to include the sale and the processing of produce for sale at on-site markets; and amends KRS 304.13-167 to require premium credits of at least 5 percent for employers who implement drug-free workplace policies, if such credits are actuarially sound, and premium credits for employers who implement safety programs.

HB 305

AN ACT relating to minimum wage.

Amends KRS 337.275 to increase the state minimum hourly wage to \$5.85 on the effective date of the Act, \$6.55 effective July 1, 2008, and \$7.25 effective July 1, 2009; requires that the state minimum wage be increased to the federal minimum wage if the federal minimum wage exceeds the state minimum wage rate; and amends KRS 154.22-040, 154.23-025, 154.24-090, 154.28-080, and 154.48-020, relating to the Kentucky Economic Development Finance Authority incentive program, to require the use of the federal minimum wage in effect on January 1, 2007, as the base hourly wage calculation for projects that receive preliminary approval by July 1, 2008.

HB 312

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 claims were chargeable, or the lack of an appropriate procurement document in place, and declaring an emergency.

Authorizes the payment of claims against the state that have been audited and approved but have not been paid because of lapsing or insufficiency of the appropriations; EMERGENCY.

HB 316

AN ACT relating to certain tax refund suits and declaring an emergency.

Amends KRS 134.580 to revoke and withdraw the Commonwealth's consent to suit in any forum on any claim for recovery, refund, or credit of any tax overpayment for any taxable year ending before December 31, 1995, made by an amended return or any other method after December 22, 1994, and based on a change from any initially filed separate return or returns to a combined return under the unitary business concept or to a consolidated return; withdraws the stated or implied consent for the Commonwealth, or any officer or agent of the Commonwealth, to be sued for such claims; applies retroactively to all claims for all years pending in any judicial or administrative forum; prohibits the withdrawal of funds from the State Treasury for the payment of such claims; specifies that no KRS provision constitutes an appropriation or mandated appropriation for the payment of such claims; and declares an EMERGENCY.

HB 321

AN ACT relating to delinquent property taxes.

Creates a new section of KRS Chapter 134 to establish fee limits, including a schedule for reasonable attorneys' fees and costs, and notice provisions for private purchasers of certificates of delinquency; provides that the notice provisions apply to all outstanding certificates of delinquency held by private purchasers; requires additional notices to be sent by private purchases prior to foreclosure and allows such notices to be sent by first class mail with proof of mailing to the address reflected in the records of the property valuation administrator; amends KRS 134.460 and 134.500 to clarify conflicting interest provisions and to allow the county attorney to recover actual costs in pursuing delinquent property tax claims; amends KRS 134.480 to clarify lien status for the payer of a certificate of delinquency, to permit a person seeking to pay a certificate of a delinquency held by a private purchaser to pay the county clerk if certain conditions are met, to increase the clerk's fee for accepting such payments from \$10 to \$20, and to permit the clerk to maintain one escrow account for such payments; requires the clerk to send notice of the payment to the private purchaser; establishes remedies if a private purchaser fails to release a lien upon payment of a certificate of delinquency; amends KRS 134.490 to require a private purchaser to include contact information in the notice that must be sent to the taxpayer and to require the private purchaser to communicate any change in contact information to the taxpayer; and amends KRS 134.990 to conform.

HB 334

AN ACT relating to postsecondary education.

Creates and amends various statutes relating to business entities to accomplish the following: makes consistent the provisions of the corporate and other business organization acts regarding business entity names such that equivalent rules will govern the names of business corporations, nonprofit corporations, cooperatives, associations, partnerships, limited partnerships, limited liability companies, and business trusts; modifies procedural rules across the various business entity acts such that they will contain equivalent if not identical provisions; updates provisions of KRS Chapter 271B to reflect more current provisions of the Model Business Corporation Act; allows limited liability companies to enter into a share exchange with a corporation, to be created by

conversion from a corporation, to have statutory rules governing nonprofit status, and to provide for their existence after the death or other termination of their members; provides rules for business trusts to create uniformity in regard to other forms of business organizations; allows dentists to practice dentistry within a business organized as a limited liability company; revises several sections of KRS Chapter 362 that were repealed with a delayed effective date in 2006 Ky. Acts ch. 149; confirms new repeal of other sections of KRS Chapter 362 that were also repealed in 2006 Ky. Acts ch. 149; confirms amendments to certain statutes whose effectiveness was made contingent upon the approval by the voters of proposed constitutional changes in 2002; makes minor technical corrections to business entity statutes; amends KRS 45.560 to include the definition of "equal employment opportunity job categories"; amends KRS 45.570 to clarify the classes protected against discrimination by state contractors; amends KRS 45.590 to increase the dollar amount of exempted contracts or subcontracts from \$250,000 to \$500,000; amends KRS 45.600 to allow the contracting agency rather than the cabinet to set the time period for submitting statements and information required by the statute; sets out the information to be reported by the bidding party regarding its workforce; requires the bidding party to submit a breakdown of subcontracts over \$500,000; includes a determination by the cabinet that the percentage of women in the bidding party's workforce reflects the percentage of available women in the area from which the bidding party's workforce is drawn and to use this determination in the cabinet's existing affirmative action process; amends KRS 45.610 to include women in the affirmative action requirements for state contractors; allows the cabinet to investigate the employment practices of any contractor or subcontractor to determine if they have violated any provision of KRS 45.560 to 45.640; creates a new section of KRS 45.560 to 45.640 to allow the Finance and Administration Cabinet to promulgate administrative regulations to carry out the provisions of KRS 45.560 to 45.640; and amends KRS 248.707 to include the president of Kentucky State University on the Agricultural Development Board.

HB 337

AN ACT relating to Medicaid reimbursement for smoking cessation treatment.

Amends KRS 205.560 to provide Medicaid reimbursement for smoking cessation treatment interventions, including counseling and pharmacotherapies.

HB 355

AN ACT relating to the administration of boards established by local ordinance.

Amends KRS 147.670 to allow area planning commissions to enter into interlocal agreements with cities, counties, and other public and private agencies and organizations for the administration of the provisions of KRS 65.8801 to 65.8839 and KRS Chapters 99, 99A, 100, and 198B; and amends KRS 65.8811 to require code enforcement boards to have a minimum of three members and establishes a staggered appointment schedule for initial appointments to boards.

HB 358

AN ACT relating to criminal justice.

Creates a new section of KRS Chapter 15 to provide for revocation of peace officer certification; amends KRS 15.382, relating to peace officer qualifications, to add a bad conduct discharge from military as a disqualification; amends KRS 15.386, relating to peace officer returning to duty, to specify required courses; amends KRS 15.392 placing an officer on inactive status to permit revocation of certification for cause; amends KRS 15.404, relating to inservice training, to provide for extending time to take inservice training in extenuating circumstances; amends KRS 18A.202, relating to employee suggestion program, to permit State Police employees to participate; amends KRS 197.025, relating to Department of Corrections open records procedures, to clarify response time at 5 days and provide for confidential regulations; creates a new section of KRS Chapter 197, relating to prisons, to specify that when a prisoner is transported to a civil law suit as a witness, the person requesting the attendance of the prisoner shall pay transportation and related costs and to provide for encouraging video teleconferencing when possible; creates a new section of KRS Chapter 605, relating to juvenile justice, to limit access to juvenile records and information that is security sensitive and to specify open records request procedures; amends KRS 610.265 and 630.080, relating to detention of children, to eliminate oral report and retain written report; amends KRS 600.020, relating to definitions for the juvenile code, to specify that a "child" includes a person who was younger than 18 when determined to be a status offender, public offender, or a youthful offender who is detained by the District Court after the offender's 18th birthday for treatment purposes; and amends KRS 15.330 for technical amendment.

HB 360

AN ACT relating to the streamlined sales and use tax agreement.

Amends KRS 139.050 to include in the definition of "gross receipts" and "sales price" consideration received from a third party; amends KRS 139.105 to provide sourcing rules for prepaid wireless calling service and ancillary service; amends KRS 139.195 to define "ancillary services," "conference bridging services," "detailed telecommunications billing service," "directory assistance," "fixed wireless services," "international," "interstate," "intrastate," "mobile wireless service," "paging service," "pay telephone service," "prepaid wireless calling service," "ring tones," "telecommunications service," "value-added non-voice data service," "vertical service," "voice mail service," "800 service," and "900 service"; creates a new section of KRS Chapter 139 to define "bundled transaction" and to provide rules; amends KRS 139.270 to define "entity-based exemption" and "good faith"; amends KRS 139.470 to define "residential telecommunications service"; amends KRS 139.781 to define "governing board," "member state," "model 1 seller," "model 2 seller," "model 3 seller," "product-based exemption," and "use-based exemption"; amends KRS 139.795 to provide a certified service provider a model 2 seller relief from liability if it has relied on software certified by the state; creates a new section of KRS 136.600 to 136.990 to provide sourcing rules for communications services; amends KRS 139.200, 139.210, 139.471, 139.472, 139.485, 139.783, 139.785, 139.787, 139.784, 139.791, 139.793, 139.794, 139.990, 136.602, 136.616, 136.620, 160.6131, and 160.6151 to conform; repeals KRS 139.320 and 139.776; and makes provisions effective July 1, 2007.

HB 367

AN ACT relating to the sale of horses.

Amends KRS 230.357 to provide that a contract for payment of a commission, fee, gratuity, or other compensation in connection with the sale, purchase, or transfer of an equine shall not be enforceable unless the contract or agreement is in writing and signed by the party against whom the enforcement is sought and the recipient of the compensation provides a written bill of sale for the transaction; and deletes language exempting compensation arrangements from the disclosure requirement.

HB 370

AN ACT relating to temporary motor vehicle tags.

Amends KRS 186A.100 to make temporary registration tags issued by a motor vehicle dealer valid for 60 days rather than for 30 days.

HB 374

AN ACT relating to voting rights for persons with disabilities.

Amends KRS 387.590, relating to guardians and wards, to remove the automatic loss of the right to vote upon the appointment of a guardian; and amends KRS 387.580 to clarify that if a respondent is found to be disabled or partially disabled, the court shall, at the same hearing, without a jury, determine whether the respondent retains the right to vote.

HB 378

AN ACT relating to the timing of history and physical examinations.

Amends KRS 216B.175 to require medical histories and physical examinations to be performed no more than 30 days, rather than 7 days, before admission to an acute care or psychiatric hospital.

HB 380

AN ACT relating to high school athletics.

Amends KRS 156.070 to exempt a student with an individual education program, under certain conditions, from the age restrictions imposed on high school athletes.

HB 381

AN ACT relating to motor vehicles.

Creates a new section of KRS Chapter 186 to allow motor vehicles registered under KRS 186.050 that meet the age qualifications of a "historic vehicle" as used in KRS 186.043(2) to display an authentic Kentucky license plate 25 years or older or a reproduction of such a plate, if the current motor vehicle plate and the registration remain in the vehicle at all times; and amends KRS 186A.115 to provide that inspections on historic motor vehicles brought into Kentucky be limited to verification of the vehicle identification number with supporting documentation for the purpose of titling.

HB 383

AN ACT relating to the diabetes research board.

Amends KRS 211.738 to change the submission deadline for research proposals and notification of funding decisions to a date determined by the board; and changes research priorities to experimental, clinical, or population-based studies that may prevent, delay, or cure diabetic disease.

HB 386

AN ACT relating to librarians and libraries.

Amends KRS 171.270 to increase fees for a librarian's certificate; amends KRS 171.280 to identify additional sources of funds to be included in the librarian's certification fund; amends KRS 173.810 to clarify the membership and the purpose of the Kentucky State Advisory Council on Libraries; and makes technical changes.

HB 389

AN ACT relating to motor vehicle sales.

Amends KRS 190.010 to define "automotive mobility dealer," "adapted vehicle," and "mobility equipment"; creates a new section of KRS Chapter 190 to require any person engaging in the business as an automotive mobility dealer be licensed and regulated by the Motor Vehicle Commission; gives automotive mobility dealers the right to display, inventor, advertise, and offer for sale any adapted vehicle; amends KRS 190.390 to increase the fee for motor vehicle salesperson's licenses from \$10 to \$20 annually and to set a fee of \$100 for issuance and renewal of this license; requires the dealer employing the salesperson to pay license fee; and conforms to gender neutral language.

HB 390

AN ACT relating to special Gold Star Mothers license plates.

Amends KRS 186.162 to eliminate all fees for special Gold Star Mothers license plates; and amends KRS 186.041 to allow persons eligible for a Gold Star Mothers license plate to receive up to two plates annually for vehicles they own or lease.

HB 394

AN ACT relating to ophthalmic dispensers.

Amends KRS 326.010 to define "optical establishment," a term that excludes establishments that come under the practice of medicine, osteopathy, or optometry; amends KRS 326.010 and 326.070 to make technical corrections; amends KRS 326.090 to permit the board to impose a fine against any person who operates an optical establishment without the supervision of a Kentucky-licensed ophthalmic dispenser, any person who allows unlicensed persons to perform activities that violate KRS 326.030, or any person who allows a Kentucky-licensed ophthalmic dispenser to supervise more than one optical establishment at the same time; and amends KRS 326.100 to extend the board's actions and the related right to a KRS Chapter 13B hearing to apply to a "person" rather than just a "licensee."

HB 426

AN ACT relating to supersedeas bonds.

Amends KRS 411.187 to limit supersedeas bonds to no more than \$100,000,000; and provides that the amendment applies to all civil actions pending on the effective date of the Act.

HB 430

AN ACT relating to consumer telemarketing.

Amends sections in KRS 367.46951 to 367.46999 and subsequent sections to replace the state-maintained Zero Call list with the national Do Not Call Registry; replaces references to “merchant” with “telemarketing company”; and requires the Office of the Attorney General to request that the Federal Trade Commission place the numbers currently on the Zero Call list on the National Do Not Call List.

HB 443

AN ACT relating to electronic data matches and levies.

Amends KRS 131.672 to require that the financial institution match system implemented by the Department of Revenue for the seizing of financial assets of delinquent taxpayers and debtors shall not be implemented unless and until the department is prepared to implement the system in 90 percent of all financial institutions within a period of no longer than 18 months from the effective date of this Act; allows financial institutions to implement a data match sooner; amends KRS 131.990 to apply fines for failure to comply within 90 days of notification by the Department of Revenue; requires the financial institution to forfeit its license to do business in the Commonwealth for failure or refusal to comply within 120 days of notification by the Department of Revenue; amends KRS 205.990 to apply fines for failure to comply with KRS 205.772 and applicable administrative regulations if the financial institution has not complied within 90 days of the notification by the Cabinet for Health and Family Services; and defines “financial institution” as provided in KRS 205.772.

HB 448

AN ACT relating to special districts.

Amends KRS 65.065 and 262.763 to increase the amount required for the performance of an annual audit; and amends KRS 262.280 to stipulate circumstances under which an annual audit shall be performed.

HB 462

AN ACT relating to economic development.

Amends KRS 154.22-010 and 154.28-010 to allow ownership of improvements or facilities on land possessed by a company pursuant to a lease having a term equivalent to the length of the financing agreement; and allows credits against equipment and costs related to installation of equipment of \$20,000 per job created by and maintained at the economic development project.

HB 468

AN ACT relating to economic development and declaring an emergency.

Amends KRS 154.24-090 to establish criteria for eligible companies that locate a project adjacent to a postsecondary education center to alternatively satisfy wage requirements; requires that 90 percent of full-time employees receive base hourly wages and benefits equal to or greater than 200 percent of the federal minimum wage; requires the company to seek to provide meaningful employment opportunities for nontraditional students enrolled at a regional postsecondary education center; requires the director of a regional postsecondary education center to assert that the eligible company is likely to provide appropriate employment opportunities for nontraditional students; and declares an EMERGENCY.

HB 469

AN ACT relating to firearms.

Amends KRS 237.020, relating to purchase of firearms in contiguous states, to specify that Kentucky residents may purchase or otherwise acquire firearms anywhere it is legal to do so under federal and state law; specifies that out-of-state residents may purchase or otherwise acquire firearms in Kentucky if the purchase is legal under federal and state law; and specifies that persons who are not citizens of the United States may purchase or otherwise acquire firearms in Kentucky if the purchase is legal under federal and state law.

HB 490

AN ACT relating to the construction industry.

Creates new sections of KRS Chapter 371, relating to contracts; defines terms relating to construction contracts; requires that payments on construction contracts entered into after the effective date of the Act shall be made in accordance with the provisions of the contract and the provisions of the Act; specifies provisions that make a construction contract null, void, and unenforceable; establishes time limits for payments to contractors and subcontractors; imposes 12 percent interest on late payments; caps retainage at 10 percent until 50 percent of the project is completed and at 5 percent of the total contract amount after 51 percent of the project is completed; requires release of retainage, less 200 percent of the balance of the estimated cost of uncompleted work, within 30 days of substantial completion of a project; makes provisions applicable to both public and private construction; exempts residential construction; exempts contracts insured, guaranteed, or financed by the U.S. Department of Agriculture's Rural Utilities Service; exempts contracts for construction of or relating to any facility defined in KRS Chapter 278 relating to the Public Service Commission; requires that the venue for enforcement actions shall be in Kentucky; provides that costs and attorney fees may be awarded to the prevailing party in a dispute; clarifies that public construction contracts whose lien rights are governed under KRS 376.250 are not subject to the mechanic's lien provided in KRS Chapter 376; amends KRS 371.230 to provide that dissolution of a lien shall occur 60 days after labor, supplies, or materials are furnished or by the date of substantial completion of the project, whichever is later, unless a person files with the county clerk's office a statement setting forth the amounts due; and provides that the Act may be cited as the Kentucky Fairness in Construction Act.

HB 509

AN ACT relating to commercial driver's licenses.

Amends KRS 281A.010 to expand the definition of "conviction" to include a plea of nolo contendere and to define the term "vehicle"; amends KRS 281A.050 to clarify existing exemptions from commercial driver's license (CDL) requirements for military personnel and farmers; amends KRS 281A.080 to include violations of railroad crossing offenses or KRS 189.500, 189.560, or 189.565 under the classifications of drivers that an employer may not allow, permit, or authorize to drive a commercial motor vehicle; amends KRS 281A.150 to set the fee for new and renewal CDLs that carry an "S" endorsement at \$20 and to eliminate reference to an "S" restriction; amends KRS 281A.160 to exempt applicants for CDLs that carry an "S" endorsement from being charged a testing fee and to eliminate reference to an "S" restriction; amends KRS 281A.170 to eliminate references to an "S" restriction; amends KRS 281A.190 to provide that disqualifications for three or more serious traffic violations shall be levied consecutively; amends KRS 281A.240 to allow holders of a valid CDL issued in Canada or Mexico to operate a commercial motor vehicle in the state; and amends KRS 281A.270 to eliminate the expiration date on the Transportation Cabinet's authority to adopt federal motor carrier safety regulations contained in 49 CFR Part 383.

HB 514

AN ACT relating to the assumption of duties by local elected officers and declaring an emergency.

Amends KRS 62.010 to grant a 30-day exemption on any penalty for failure to take the oath of office when the first Monday of a year falls on January 1; amends KRS 62.050 to grant a 30-day exemption on any penalty for failure to execute bond when the first Monday of a year falls on January 1; allows members of the General Assembly to administer the oath of office to elected officers; makes provisions of the bill retroactive to January 1, 2007; and declares an EMERGENCY.

HB 536

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

Creates a new subchapter of KRS Chapter 154 to establish an economic development incentive program for companies within the jurisdiction of a consolidated local government containing a city of the first class, designated under the United States Department of Commerce, United States Census Bureau North American Industry Classification System code of 336211, 336111, 336112, or 336120, that employ at least 1,000 full-time persons engaged in manufacturing, that has been operating in the Commonwealth on a continuous basis for at least 5 years, and that has been previously approved for economic development incentives from the Commonwealth; amends KRS 141.0205 to conform; appropriates the sum of \$10,000,000 from the General Fund to the Cabinet for Economic Development, Financial Incentives, for use by the Bluegrass State Skills Corporation; provides that an amount not to exceed \$8,000,000 during the 2006-2008 biennium shall be deemed a necessary governmental expense and transferred from the General Fund Surplus Account or the Budget Reserve Trust Fund Account to fund

training grants for the Bluegrass State Skills Corporation; and declares an EMERGENCY.

HB 540

AN ACT relating to reference cigarettes.

Amends KRS 138.130 to define “reference cigarettes” and excludes them from the definition of “cigarettes”; and amends KRS 365.270 to conform; EFFECTIVE July 1, 2007.

HB 549

AN ACT relating to tax increment financing and urban redevelopment.

Creates new sections of KRS Chapter 65 to establish the public purpose of tax increment financing; defines terms; provides for the establishment and amendment of local development areas and development areas; identifies funding sources for local governments; permits the issuance of increment bonds by local governments; requires a sinking fund; establishes requirements for local participation agreements; establishes the State Tax Increment Financing Commission; establishes the Commonwealth Participation Program for Real Property Ad Valorem Tax Revenues, the Signature Projects Program, and the Commonwealth Participation Program for Mixed Use Redevelopment in Blighted Urban Areas; establishes application procedures and requirements for all three programs; establishes requirements for project grant agreements; provides for the monitoring and oversight of project grant agreements; provides for the payment and release of incremental revenues; limits the provisions of KRS 65.490 to 65.499 to development areas established prior to the effective date of the Act; limits the provisions of KRS 65.680 to 65.699 to development areas that have been established and agreements that have been executed prior to the effective date of the Act; amends KRS 132.012 to conform; amends KRS 131.020 to establish the Division of Tax Increment Financing within the Department of Revenue; and establishes a sales tax refund program for qualifying signature projects.

HJR 23

Renames the White City Wildlife Management Area as the Joseph Fay Britt-White City Wildlife Management Area.

HCR 25

Confirms the gubernatorial appointment of Jennifer L. Forgy to the Education Professional Standards Board to represent middle and high school teachers.

HCR 26

Confirms the gubernatorial appointment of Judith H. Gibbons to the Kentucky Board of Education representing the Sixth Supreme Court District for a term ending April 14, 2010.

HCR 28

Appoints Wayne Mattingly to the Agricultural Development Board for a term expiring July 6, 2010.

HCR 29

Confirms the gubernatorial appointment of Franklin D. Cheatham to the Education Professional Standards Board.

HCR 30

Reappoints Wayne Hunt to the Agricultural Development Board for a term expiring July 6, 2010.

HCR 31

Confirms the gubernatorial appointment of Cynthia W. York to the Education Professional Standards Board.

HCR 32

Confirms the gubernatorial appointment of Zenaida M. Smith to the Education Professional Standards Board.

HCR 33

Reappoints Vickie Yates Brown to the Agricultural Development Board for a term expiring July 6, 2010.

HJR 72

Directs the Legislative Research Commission to establish a task force to study the creation of a short-line railroad revitalization program; specifies issues to be addressed; sets forth task force members; requires task force to meet monthly starting July 2007; and requires the task force to report findings and recommendations by December 31, 2007, at which time the task force will cease to exist.

HCR 75

Confirms the gubernatorial appointment of Rebecca S. Goss to the Education Professional Standards Board to represent local boards of education.

HJR 84

Directs the Transportation Cabinet to erect a statue of former Governor Bert T. Combs on state property near KY Route 213 in the community of Stanton; and directs the Transportation Cabinet to name a bridge on KY 80 in Floyd County the "Denzil 'Hoss' Halbert Memorial Bridge."

HCR 120

Commemorates the 100th anniversary of the United Parcel Service, Inc.; and recognizes and celebrates the economic and philanthropic contributions made by the United Parcel Service, Inc., to the people of the Commonwealth.

HJR 137

Directs the Cabinet for Health and Family Services to provide resources and staff to the Office of the Ombudsman to track and report on trends in the receipt, review, and resolution of citizen complaints about child protection programs and services.

HCR 141

Urges awareness of Crohn's disease and the special access needs of those living with the condition.

HCR 154

Confirms the gubernatorial appointment of Eugene Jeffrey Mosley to the Governor's Postsecondary Education Nominating Committee.

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