

# **General Assembly Action 2009 Regular Session**

Informational Bulletin No. 229

**Legislative Research Commission**  
Frankfort, Kentucky

**April 2009**



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**A Staff Summary of Legislative Enactments**

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## Foreword

The 2009 Regular Session of the General Assembly convened Tuesday, January 6, 2009, and adjourned *sine die* Thursday, March 26, 2009, having met for 29 legislative days. During this session, 734 bills and 462 resolutions were introduced, including 190 Senate bills and 544 House bills.

Of the bills introduced, 24 Senate bills and 77 House bills passed both chambers and were delivered to the Governor.

The Governor also received 11 joint and concurrent resolutions.

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

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Director

Legislative Research Commission  
Frankfort, Kentucky  
April 2009



## Bill Numbers to Acts Chapters

Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.	Bill No.	Acts Ch.
SB 1	101	HB 5	102	HB 202	52	HB 374	8
SB 4	96	HB 21	103	HB 204	71	HB 383	90
SB 8	28	HB 39	46	HB 208	20	HB 401	58
SB 20	29	HB 53	64	HB 216	86	HB 407	25
SB 22	83	HB 55	47	HB 236	99	HB 408	74
SB 27	30	HB 73	48	HB 249	72	HB 410	59
SB 33	4	HB 74	17	HB 262	10	HB 411	75
SB 39	31	HB 87	49	HB 284	27	HB 414	76
SB 41	32	HB 99	5	HB 292	87	HB 416	77
SB 46	33	HB 100	3	HB 295	53	HB 423	78
SB 47	34	HB 106	104	HB 301	21	HB 429	92
SB 48	84	HB 117	65	HB 302	22	HB 444	98
SB 70	35	HB 124	18	HB 309	54	HB 445	60
SB 78	11	HB 126	6	HB 315	100	HB 452	79
SB 81	62	HB 129	66	HB 321	105	HB 462	61
SB 83	36	HB 139	19	HB 322	88	HB 472	80
SB 84	37	HB 143	1	HB 329	23	HB 480	93
SB 148	38	HB 144	2	HB 330	9	HB 485	81
SB 151	39	HB 150	41	HB 331	91	HB 489	82
SB 181	12	HB 153	67	HB 333	89	HB 536	94
SB 182	13	HB 161	7	HB 336	55	HB 541	95
SB 183	14	HB 173	68	HB 337	43		
SB 184	15	HB 181	50	HB 340	56	HJR 29	108
SB 185	16	HB 185	26	HB 344	24	HJR 52	63
		HB 186	69	HB 347	73	HCR 85	107
SJR 12	97	HB 193	70	HB 352	44	HJR 105	85
SJR 67	45	HB 194	51	HB 369	106	HCR 106	40
		HB 198	42	HB 372	57		





## Senate Bills

### SB 1

AN ACT relating to education assessment and declaring an emergency.

Amends KRS 158.6451 to add an expectation relating to performing arts; amends KRS 158.6453 to add definitions; requires the Department of Education in collaboration with the Council on Postsecondary Education to plan and implement a comprehensive process to revise academic content standards and to complete the process by December 15, 2010, and to disseminate the revised academic content standards by January 15, 2011; requires the commissioner of education and the president of the Council on Postsecondary Education to ensure that the academic content standards for reading and mathematics are aligned with the postsecondary education course standards for reading and mathematics; requires the Education Professional Standards Board and the Council on Postsecondary Education to provide information and training on the academic content standards to the postsecondary education faculty in the content areas and the teacher preparation programs; discontinues the grading of writing portfolios for inclusion of the student scores in the state accountability system in spring 2009 and thereafter; discontinues student testing in practical living skills and career skills and arts and humanities in 2008-2009 school year and thereafter; suspends the state accountability indexing system for the 2008-2009, 2009-2010, and 2010-2011 school years; requires professional development for teachers and administrators; requires the Kentucky Board of Education to revise the annual statewide student assessment program for implementation in school year 2011-2012; requires the revised assessment program to have student assessments that are valid and reliable for individual students; requires the Department of Education to develop an interim review process for the arts and humanities programs, writing programs, and practical living skills and career studies; requires the Department of Education to provide program guidelines and program review guidance for arts and humanities, writing programs, and practical living skills and career studies and to implement the process for program reviews and audits in these areas beginning in 2011-2012; requires writing portfolios as a part of any school's writing program, which shall be determined by each school-based decision making council; provides that the writing portfolio reflect a student's interests and growth over time and that a portfolio be maintained for each student in grades primary through 12 and travel with the student from grade to grade and to any school in which the student enrolls; requires criterion-referenced tests, beginning in 2011-2012, which are augmented with norm-referenced items in grades 3 through 8 to measure the depth and breadth of Kentucky's core content and to provide national profiles in the areas of mathematics and reading; requires a criterion-referenced test, augmented with a customized or commercially available norm-referenced test, to measure the depth and breadth of social studies and science and to provide national profiles to be administered once in the elementary, middle, and high school grades; requires an on-demand assessment of student writing once in the elementary grades, twice in the middle grades, and twice in the high school grades; requires an editing and mechanics test relating to writing, using multiple-choice and constructed-response items to be administered once in the elementary, middle, and high school grades; permits the state board to determine how end-of-course exams may be used in lieu of criterion-referenced tests at the high school level; requires the state board, within 60 days of the effective date of the Act, to revise the Administration Code for Kentucky's Assessment Program to include prohibitions of inappropriate test preparation activities; requires that accelerated learning be provided to any student whose scores on any of the assessments indicate skill

deficiencies or a high level of achievement; retains the ACT, college readiness, and high school readiness exams; requires each school to devise an accelerated learning plan; requires individual reports to parents on the achievement of their children compared to school, state, and national results; limits state testing to the last 14 days of a local district's school calendar and limits the number of days of testing to no more than 5 during that period when the revised test is implemented, beginning in the 2011-2012 school year; requires that the Kentucky Board of Education promulgate administrative regulations to set testing procedures; requires test results to be reported to schools within 75 days from the first day in which exams may be administered, beginning in the 2011-2012 school year; reduces the testing period to 7 days in 2008-2009, to 6 days in 2009-2010, and 2010-2011; provides that a local board of education may adopt the use of commercial assessments for making formative judgments; amends KRS 158.6452 to require the School Curriculum, Assessment, and Accountability Council to provide recommendations relating to its responsibilities; amends KRS 158.6455 to modify language relating to accountability and requires, after the academic standards are revised and the student assessment program is developed, that the state board create a new accountability system that includes the results from program assessments, student assessment results, school improvement results, and other factors deemed appropriate by the board; deletes restrictive language to permit flexibility as the state board develops the accountability system; amends KRS 158.6458 and KRS 158.6459 to conform; amends KRS 158.649 to change dates for reporting student data to each school council beginning in the 2012-2013 school year and changes dates for actions by school councils; amends KRS 156.095 to add assessment literacy, differentiated instruction, and integration of performance-based student assessment in classroom instruction as required professional development to be made available; requires periodic alignment studies to compare how well the norm-referenced assessments align with the academic content standards to determine if criterion-referenced items should be reduced by the state board; amends KRS 160.345 to require the school-based decision making council to review findings from annual and state program reviews in arts and humanities, writing, practical living skills and career studies; amends KRS 164.020 to add duty for assuring that academic core content standards in high school align with postsecondary education course entry requirements; amends KRS 158.710, 158.805, 158.816, 159.035, and 160.345 to conform; makes technical changes; adds a new section of KRS Chapter 164 to require each public postsecondary education institution within 30 days of the effective date of the Act to develop academic content standards in reading and mathematics introductory courses so that the high school content standards in these areas can be vertically aligned; requires the process to be completed by December 15, 2010, with a target date for mathematics being December 15, 2009; requires that the Department of Education and the Education Professional Standards Board take actions during the 2009 and 2010 calendar years to improve instruction at the pre-service levels and to improve the ability of existing teachers to teach reading; outlines requirements of the study; identifies conditions that apply during the transition period from the effective date of this Act to the 2011-2012 school year, including permitting the use of mathematics items developed after the academic content standards are completed in a field test in spring 2010 and administering an initial mathematics test based on the revised content standards in 2011 to meet No Child Left Behind (NCLB) requirements if approved by the United States Department of Education; defines the state testing that shall be used during the 2008-2009, 2009-2010 and 2010-2011 school years as the current criterion-referenced components for all subjects and grade levels, except writing portfolios, practical living skills and career studies, and arts and humanities with the addition of a

stand-alone norm-referenced test added in 2009-2010 and 2010-2011 school years; requires that scores be reported publicly as determined by the state Department of Education and the state board; provides that the department provide school districts with a test booklet of items relating to arts and humanities and practical living skills and career studies that they may choose to administer to students in spring 2009 and use the results however they determine appropriate; requires that the state board to ensure that all NCLB requirements for accountability and proficiency are met; describes how the various parts of the Annual Yearly Progress results will be used to determine assistance to schools; requires an extensive review of how assessments affect exceptional children and if changes are needed in the revised assessment and accountability system; requires a 5-year strategy by the Council on Postsecondary Education, the Kentucky Board of Education, and Department of Education to reduce college remediation rates by at least 50 percent from what they are in 2010 and increase the college completion rates of students enrolled in one or more remedial courses; requires annual reporting to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue; requires the Department of Education to inform districts and schools that decisions about mathematics textbook purchases may be delayed until after the mathematics academic standards have been revised; and allows off-list purchases in order to ensure that textbooks selected align with the revised mathematics academic standards; EMERGENCY.

#### **SB 4**

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

Creates a new section of KRS Chapter 196 to require the Department of Corrections to develop an intensive secured substance abuse recovery program for substance abusers seeking or utilizing pretrial diversion in certain circumstances; amends KRS 431.515 to conform; creates a new section of KRS 431.510 to 431.550 to require pretrial screening of felony substance abuse offenders and allow testing and treatment as a condition of pretrial release; creates a new section of KRS 533.250 to 533.260 to require felony substance abuse offenders to demonstrate suitable participation in and compliance with substance abuse treatment or recovery before being eligible for pretrial diversion; amends KRS 533.250 to allow referral of certain persons on pretrial diversion to the secured recovery program; and amends KRS 532.120 to allow credit for time served in the secure treatment facility or a residential treatment facility; EMERGENCY.

#### **SB 8**

AN ACT relating to donations.

Creates a new section of KRS 367.170 to 367.300 to require for-profit entities that collect donated items for resale to affix a permanent sign on the collection bins that states that the collections are not charitable in nature and do not qualify for a charitable deduction and that provides the name and contact information for the entity; provides that a violation of this section is an unlawful act under KRS 367.170; and permits the attorney general or the county attorney to enforce the provisions.

#### **SB 20**

AN ACT relating to the Kentucky Infrastructure Authority.

Amends KRS 224A.030 to add one member to the Kentucky Infrastructure Authority representing the Kentucky Municipal Utility Association; and establishes initial and subsequent terms.

**SB 22**

AN ACT relating to personal services and making an appropriation therefor.

Creates a new section of KRS Chapter 216 to require certification of personal services agencies; defines “cabinet,” “client,” “crime,” “department,” “personal services,” “personal services agency,” “parent personal services agency,” and “secretary”; requires existing personal services agencies to file an application for certification by December 31, 2009, and other agencies to obtain certification prior to providing personal services; requires personal services agencies to perform a criminal background check on applicants for employment; requires personal services agencies to inform applicants for employment of the requirement for a criminal background check; prohibits personal services agencies from employing a person who has been convicted of a crime; requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations to, among other things, establish procedures for certification processes, procedures for personal service agencies, and procedures for the Kentucky personal services agency fund; requires only personal services agencies that meet standards for certification to be granted a certificate; requires all fees to be paid to the State Treasury and used for funding a department as specified by the secretary of the Cabinet for Health and Family Services; imposes a fine of \$500 per day for a personal services agency that provides services without proper certification; imposes a fine of \$500 per day on a business that markets its services as a personal services agency without proper certification; creates a new section of KRS Chapter 45 to create the Kentucky personal services agency fund and to establish the parameters of the fund; requires money in the fund to be used for administrative purposes by a department specified by the secretary of the Cabinet for Health and Family Services; prohibits administrative expenditures from exceeding the amount collected in fees and fines; requires money remaining in the fund at the end of the fiscal year to carry forward into the succeeding fiscal year; requires interest earned on money in the fund to accrue to the account; and appropriates money in the fund to carry out for purposes set forth in the Act.

**SB 27**

AN ACT relating to brownfield redevelopment and making an appropriation therefor.

Creates a new section of KRS Chapter 224 to establish the brownfield redevelopment fund in the State Treasury; requires the funds to be used to make grants and loans to governmental agencies for brownfield assessments, corrective action, and demolition or other actions to restore the property to beneficial use; allows the cabinet to promulgate administrative regulations; specifies the sources of money that can be credited to the fund; and allows the cabinet to enter into agreements with federal and state agencies to carry out the provisions of the bill.

**SB 33**

AN ACT relating to the purchase of flags by public institutions.

Amends KRS 2.030 and 2.040 to require official flags of the United States and the Commonwealth of Kentucky purchased by public institutions to be manufactured in the United States; and amends KRS 118.045 to require the United States flag purchased by the fiscal court for voting locations to be manufactured in the United States.

**SB 39**

AN ACT relating to students of civilian military employees.

Creates a new section of KRS Chapter 156 to provide students of civilian military employees the same rights as students of military families under KRS 156.730 if the parents are required to move to perform their job responsibilities, resulting in the students changing schools.

**SB 41**

AN ACT relating to agriculture.

Amends KRS 11.170, 248.510, and 260.857 to change the name of the Senate Agriculture and Natural Resources Committee to the Senate Agriculture Committee; amends KRS 11.170 to replace appointee consideration for the Kentucky Agriculture Resources Development Authority board from a representative from the Kentucky Fertilizer and Agriculture Chemical Association to a representative from the Agribusiness Association of Kentucky; and makes technical changes.

**SB 46**

AN ACT relating to supplemental payments to local governments for qualified professional firefighters and declaring an emergency.

Amends KRS 95A.210 to modify the definition of “local government” and “professional firefighter” and to add definitions for “scheduled overtime,” “unscheduled overtime,” and “established work schedule”; amends KRS 95A.250 to outline the distribution of the supplement to professional firefighters; exempts the supplement from the definition of “wages” in KRS 337.010 for the purposes of calculating hourly wage rates for scheduled overtime; outlines the method for calculation of unscheduled and scheduled overtime for professional firefighters; amends KRS 95A.260 to conform; amends KRS 337.010 to change the definition of “wages” to reflect the exemption of the firefighter’s supplement; and amends KRS 337.285 to allow local governments to establish a designated work period for professional firefighters for the purposes of complying with state and federal labor laws; EMERGENCY.

**SB 47**

AN ACT relating to the transportation of agricultural crop products and livestock.

Amends KRS 189.222 to allow a 10 percent gross weight tolerance on all highways, except interstates, for farm trucks transporting agricultural products; and amends KRS 189.221 to conform.

**SB 48**

AN ACT relating to cigarettes.

Amends KRS 131.604 to define “retailer”; amends KRS 131.610 to require a stamping agent or distributor to notify retail customers when a cigarette brand family or cigarette manufacturer has been removed from the directory; requires the stamping agent or distributor to provide the Department of Revenue the list of retailers notified; allows retailers 60 days to sell the affected cigarettes and prohibits the retailer from selling after the 60-day period; prohibits a stamping agent or distributor from purchasing cigarettes from a nonparticipating manufacturer that has been given notice of the intent by the Office of the Attorney General to remove the manufacturer from the directory; amends KRS 131.612 to conform; amends KRS 131.622 to provide that contraband cigarettes may be seized and destroyed after 20 days if the seizure is not

timely protested; and requires Legislative Research Commission staff to study certifications and escrow requirements of the Tobacco Master Settlement Agreement and report to Interim Joint Committee on Appropriations and Revenue by November 1, 2010; EFFECTIVE JULY 1, 2009.

**SB 70**

AN ACT relating to the Kentucky Apprenticeship and Training Council.

Amends KRS 343.020 to increase the membership of the Apprenticeship and Training Council from 8 to 12 members by adding an employer representative, an employee representative, the commissioner of the Department of Labor, and an at-large member; and revises and staggers the terms of the members.

**SB 78**

AN ACT relating to reorganization.

Amends KRS 12.020 to rename the Education Cabinet as the Education and Workforce Development Cabinet; amends various statutes to conform; and confirms Executive Order 2008-530.

**SB 81**

AN ACT relating to captive cervids.

Creates a new section of KRS Chapter 257 to ban importation of live cervids if they do not meet the rules and requirements of the Kentucky Department of Agriculture or the United States Department of Agriculture for the surveillance and identification of cervids for controlling chronic wasting disease (CWD); maintains the ban on importation of cervids from states with documented CWD unless U.S. Department of Agriculture regulations approve importation and unless a live test for CWD is available; amends KRS 150.720 to require promulgation of administrative regulations by the Department of Fish and Wildlife Resources pertaining to the importation of and unique identification tags for cervid livestock; amends KRS 150.725 to define "hold" as confined to a facility; amends KRS 150.735 to allow a permit holder to sell or slaughter cervids if the facility is found to be out of compliance with regulations for a period of 60 days and deletes authority of the department to seize cervids and destroy cervids until after an appeal upholds the department's decision; amends KRS 150.740 to ban on the importation of live cervids into the Commonwealth if they do not meet the rules and requirements of the Kentucky Department of Agriculture or the U.S. Department of Agriculture for the surveillance and identification of cervids for controlling chronic wasting disease; amends KRS 246.295 to modify the Kentucky Department of Agriculture's authority to promulgate administrative regulations to include importation and unique identification tags; and creates a new section of KRS Chapter 257 to authorize the Kentucky Department of Agriculture to quarantine animals after a violation.

**SB 83**

AN ACT relating to county agricultural development councils.

Amends KRS 248.721 to expand the size of county agricultural development councils; establishes term limits for council members; establishes procedures for replacement of council members; and amends KRS 248.723 to conform.

**SB 84**

AN ACT relating to agricultural products.

Amends KRS 45A.645 to require state agencies that purchase agricultural products or Kentucky-grown agricultural products to annually report the types, quantities, and costs of the products to the Legislative Research Commission and the Department of Agriculture on a form provided by the department; and amends KRS 164A.575 to require governing boards that purchase agricultural products or Kentucky-grown agricultural products to annually report the types, quantities, and costs of the products to the Legislative Research Commission and the Department of Agriculture on a form provided by the department.

**SB 148**

AN ACT relating to sexual and violent offenders.

Amends KRS 160.380 to require school-based decision making council parent members to have a state and national fingerprint-supported criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation; permits the parent member to serve prior to the receipt of the criminal history background check report but shall be removed from the council on receipt by the school district of a report documenting a record of a sex crime or criminal offense, and no further procedures shall be required; amends KRS 17.545 to prohibit a registrant as a sexual or violent offender as defined in KRS 17.500, or any person residing outside Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, to be on school grounds; permits exceptions with approval of the principal, school board, or day care center director; and amends KRS 17.990 to establish that any person who violates the provisions shall be guilty of a Class A misdemeanor.

**SB 151**

AN ACT relating to the release of veterinarian records.

Amends KRS 321.185 by describing the circumstances under which veterinarians shall release records of patients.

**SB 181**

AN ACT relating to reorganization.

Confirms Executive Order 2008-506; creates a new section of KRS Chapter 42 to establish the Office of Policy and Audit in the Office of the Secretary of the Finance and Administration Cabinet; repeals and reenacts various statutes in KRS Chapter 11 relating to the Commonwealth Office of Technology as new sections of KRS Chapter 42 and amends various statutes to conform; amends various sections of KRS Chapter 11 to abolish the Office of the 911 Coordinator, renames and abolishes various divisions and offices in the Commonwealth Office of Technology, establishes the Division of Printing Services and the Office of Chief Information Security Officer in the Commonwealth Office of Technology, abolishes the Geographic Information Advisory Council, establishes the Kentucky Geospatial Board, and decreases the membership of the Kentucky Wireless Interoperability Executive Committee; amends KRS 11A.060 to transfer the Executive Branch Ethics Commission to the Finance and Administration Cabinet; amends KRS 12.020 to conform to the organizational changes in the Finance and Administration Cabinet; amends KRS 42.0171 and 174.020 to transfer the Division of Fleet Management to the Office of Administrative Services in the Finance and Administration Cabinet; amends KRS 42.0172 to abolish the Division of Printing Services in the Finance and

Administration Cabinet; amends KRS 42.425 to create the Office of Facility Development and Efficiency in the Department for Facilities and Support Services in the Finance and Administration Cabinet; amends KRS 45A.065 to abolish the procurement advisory council; amends KRS 48.005 to delete references to two Franklin Circuit Court cases, civil action numbers 97-CI-01566 and 97-CI-00405, and to delete the Charitable Asset Administration Board and transfer its duties to the Office of the Controller in the Finance and Administration Cabinet; amends KRS 56.450 to add the executive director of the Office of the Controller and the state budget director to the State Property and Buildings Commission; amends KRS 56.861 to add the executive director of the Office of the Controller to the Kentucky Asset/Liability Commission; amends KRS 131.020 to establish a Division of Special Investigations in the Office of the Commissioner of the Department of Revenue and to abolish the Office of Taxpayer Ombudsman and various divisions within the Office of Property Valuation; amends KRS 131.654, 131.656, and 143A.090 for technical corrections; amends KRS 151.710 to allow a member of the Kentucky River Authority to continue to serve after the expiration of the member's term until his or her successor is appointed and qualified and to change the quorum from six members to seven members; repeals and reenacts KRS 42.066 as a new section of KRS Chapter 224 to transfer the Division of Occupations and Professions from the Finance and Administration Cabinet to the Environmental and Public Protection Cabinet; amends KRS 224A.030 to delete reference to the Kentucky Pollution Abatement and Water Resources Finance Authority; repeals KRS 8.030 establishing the Governor's Advisory Committee on Intergovernmental Relations, KRS 11.512 establishing the Office of the 911 Coordinator, KRS 56.600 to 56.603 establishing the Central State Hospital Recovery Authority, KRS 131.071 establishing the Office of the Taxpayer Ombudsman, KRS 154.33-600 to 154.33-609 establishing the Red Fox Tri-County Cooperative Corporation, and KRS 293.010 to 293.170 establishing the Kentucky Savings Bond Authority; and amends KRS 42.016, 42.017, 42.0173, 42.0201, 45A.182, 61.8715, 65.7621, 65.7625, 65.7631, and 131.051 to conform.

**SB 182**

AN ACT relating to reorganization.

Amends KRS 12.020 and 174.020 to define the major organizational units in the Transportation Cabinet; amends KRS 12.040, 174.016, 174.040, 174.057, 174.135, 176.506, 177.020, 177.330, 177.340, 177.350, 177.360, and 179.400 to conform; amends KRS 36.010 to eliminate the Division of Air Transport from the Department of Military Affairs; repeals, reenacts, and amends KRS 36.400, 36.405, 36.410, 36.415, 36.420, and 36.425 as new sections of KRS Chapter 174 to transfer operational control of the Capital City Airport and responsibility for maintaining the state's air fleet and coordinating noncommercial air travel from the Department of Military Affairs to the Department of Aviation within the Transportation Cabinet; creates a new section of KRS Chapter 174 to define "cabinet"; and confirms Executive Orders 2008-529 and 2008-510.

**SB 183**

AN ACT relating to reorganization.

Amends KRS 12.020 to establish within the Kentucky State Fair Board the Office of Administrative and Information Technology Services and the Office of Human Resources and Access Control; renames various divisions; creates the Division of Venue Services, the Division of Information Technology, the Division of Louisville Arena, the Division of Fiscal and Contract



Management, and the Division of Access Control; amends KRS 247.226 to make the North American International Livestock Exposition Branch a division within the Division of Expositions; and confirms Executive Order 2008-1292.

**SB 184**

AN ACT relating to reorganization.

Amends KRS 12.020 and 15A.020 to abolish the Office of Public Safety Training within the Justice and Public Safety Cabinet and to abolish, create, and rename divisions within the Department of Juvenile Justice.

**SB 185**

AN ACT relating to reorganization.

Amends various sections of the Kentucky Revised Statutes to rename the Commerce Cabinet as the Tourism, Arts and Heritage Cabinet; renames various offices within the Tourism, Arts and Heritage Cabinet; establishes the Office of Research and Administration and the Office of the Sports Authority within the Tourism, Arts and Heritage Cabinet; abolishes the Office of Information Technology and transfers all personnel, funds, and records to the Office of Research and Administration; abolishes the Martin Luther King Commission administratively attached to the Commerce Cabinet and establishes it within the Governor's Office of Minority Empowerment; renames the Department of Tourism as the Kentucky Department of Travel; establishes the Resort Parks Division and the Recreational Parks and Historic Sites Division within the Department of Parks; abolishes the Eastern Parks Division, the Southern Parks Division, and the Western Parks Division; abolishes the Office of Energy Policy from the Commerce Cabinet; and confirms Executive Order 2008-516.

**SJR 12**

Creates a subcommittee of the Interim Joint Committee on Judiciary to study and reform the Kentucky Penal Code, including an examination of problems arising from the handling of mentally incompetent defendants; sets subcommittee membership; and requires a report to the General Assembly no later than December 1, 2009; EMERGENCY.

**SJR 67**

Directs the Department for Energy Development and Independence to enter into a memorandum of agreement with Kentucky Geological Survey to study the value of potential oil and gas operations on state-owned and university-owned lands and to identify factors that may limit development of such a program; directs the Department for Energy Development and Independence to develop conditions and guidelines for a regulatory program for oil and gas state and operations on state- and university-owned lands; directs agencies with information on ownership of state- and university-owned lands to furnish information to the Kentucky Geological Survey for the purposes of the study; directs the Finance and Administration Cabinet to assist the department in the development of model lease and lease oversight guidelines to assure oil and gas operations would be conducted in accordance with state law; and requires the report be submitted to the Legislative Research Commission by December 1, 2009.



## House Bills

### HB 5

AN ACT relating to childhood hearing loss.

Amends KRS 211.645 to define “permanent childhood hearing loss” and “infant at high risk for late onset, progressive hearing loss, or both”; amends KRS 211.647 to require the Commission for Children with Special Health Care Needs to establish standards for infant audiological assessment and diagnostic centers based on national standards; requires the commission to maintain a list of approved centers; requires approved centers to agree to provide data to the commission; requires approved centers to make necessary referrals and to report referrals to the First Steps program to the commission; amends KRS 216.2970 to include approved audiological assessment and diagnostic centers on the list of those receiving an auditory screening report indicating a finding of potential hearing loss; amends KRS 216.2970 to add health care providers to the list of recipients of auditory screening reports; and amends KRS 213.046 to include approved audiological assessment and diagnostic centers as a source of an auditory screening for births occurring outside an institution.

### HB 21

AN ACT relating to motor vehicles.

Amends KRS 186.010 to define “low-speed vehicle” and “alternative-speed motorcycle”; amends “motor vehicle” to include a low-speed vehicle for the purposes of titling and registration; amends “motorcycle” to include alternative-speed motorcycles and to remove enclosed cab restrictions; creates a new section of KRS Chapter 189 to allow the use of low-speed vehicles on highways with a posted speed limit of 35 miles per hour or less; sets equipment requirements for low-speed vehicles; requires low-speed vehicles operated on a highway to be insured in compliance with KRS 304.39-080, titled in accordance with KRS Chapter 186A, and registered as a motor vehicle in accordance with KRS 186.050(3)(a); permits low-speed vehicles to cross a roadway with a posted speed limit of more than 35 miles per hour if the intersection is equipped with an electric traffic signal; creates a new section of KRS Chapter 189 to allow the use of alternative-speed motorcycles on highways with a posted speed of 35 miles per hour or less; sets equipment requirements for alternative-speed motorcycles; requires alternative-speed motorcycles operated on a highway to be insured in compliance with KRS 304.39-080, titled in accordance with KRS Chapter 186A, and registered as a motorcycle in accordance with KRS 186.050(2); permits alternative-speed motorcycles to cross a roadway with a posted speed limit of more than 35 miles per hour if the intersection is equipped with an electric traffic signal; and exempts operators of alternative-speed motorcycles from the protective headgear requirements of KRS 189.285.

### HB 39

AN ACT relating to motor vehicle operator’s licenses.

Creates a new section of KRS 186.400 to 186.650 to exempt 17-year-olds who have enlisted in the military from the requirement to obtain an intermediate license or complete a driver education course prior to receiving an unrestricted license; and amends KRS 186.412, 186.450, 186.452, and 186.454 to conform and to clarify that individuals over the age of 18 are exempt from graduated driver’s licensing provisions.

**HB 53**

AN ACT relating to the titling of all-terrain vehicles.

Creates a new section of KRS Chapter 186A to require the titling of all-terrain vehicles to be administered through the automated motor vehicle and titling registration system; establishes that procedures for titling all-terrain vehicles be consistent with motor vehicle titling; establishes guidelines for promulgation of regulations relating to titling of all-terrain vehicles; ensures the capability of receiving and discharging liens; amends KRS 186A.070 to require any state resident who purchases a new all-terrain vehicle or creates a security interest in an all-terrain vehicle after January 1, 2010, to apply for a certificate of title; prohibits the operation of an all-terrain vehicle on the roadway, except as provided by KRS 189.515; prohibits an all-terrain vehicle from being registered in accordance with KRS 186.020; and amends KRS 186A.130 and 186A.245 to set fees for titles for all-terrain vehicles.

**HB 55**

AN ACT relating to firearms certification.

Amends KRS 237.140 relating to federal Law Enforcement Officer Safety Act certification and recertification of active and retired peace officers; and permits any peace officer who has successfully completed a Kentucky Law Enforcement Council-approved firearms instructor course to certify persons under KRS 51.383 and 237.140.

**HB 73**

AN ACT relating to art therapy.

Creates a new section of KRS 309.130 to 309.1399 to require that disciplinary proceedings against licensed art therapists or applicants for licensing be conducted in accordance with KRS Chapter 13B; permits parties aggrieved by the final order of the board to appeal to the Circuit Court of the county where the alleged violation occurred; amends KRS 309.130 to define “the practice of professional art therapy”; prohibits anyone from engaging in the practice of art therapy unless he or she is duly licensed; exempts physical therapists and occupational therapists from licensing provisions; exempts persons engaged in the practice of employment, job placement, and school counseling from the licensing requirements; amends KRS 309.137 to allow licensee discipline for conviction of a felony or misdemeanor involving sexual misconduct or a crime where dishonesty is a necessary element rather than for a similar conviction involving “moral turpitude”; permits a person whose license has been revoked to petition the board for reinstatement if 2 years has elapsed; permits the board to issue a written admonishment if the board determines that the violation is not serious; specifies that a voluntary suspension shall not bar the board from taking disciplinary action; amends KRS 309.1399 to permit a maximum fine of \$1,000 for a violation; removes imprisonment as a potential punishment for a violation; and amends KRS 309.1305, 309.131, 309.1315, 309.133, 309.1335, 309.135, and 309.138 to conform.

**HB 74**

AN ACT relating to special license plates.

Creates a new section of KRS Chapter 186 to allow the Masonic Homes of Kentucky Inc. or its successor organization to petition the Transportation Cabinet to place a voluntary contribution for Masonic Order license plates in accordance with KRS 186.164(12) to (14).

**HB 87**

AN ACT relating to occupational taxes.

Amends KRS 67.750 to update references to the Internal Revenue Code to the Internal Revenue Code in effect on December 31, 2008, as amended.

**HB 99**

AN ACT relating to charitable health care providers and declaring an emergency.

Amends KRS 320.130 to permit optometrists to practice outside their regular office for a charitable purpose; and amends KRS 311.560 to permit persons licensed from other states in medicine or osteopathy to practice for a charitable purpose in Kentucky; EMERGENCY.

**HB 100**

AN ACT relating to the agricultural program trust fund, making an appropriation therefor, and declaring an emergency.

Creates a new section of KRS Chapter 246 to create and set provisions of the agricultural program trust fund; amends KRS 186.050 to establish a voluntary contribution of \$10 for motor vehicles being registered as farm trucks; and permits the person registering the motor vehicle to opt out of the voluntary contribution; EMERGENCY.

**HB 106**

AN ACT relating to mortgages.

Amends and creates provisions of Subtitle 8 of KRS Chapter 286, relating to mortgage loan companies and brokers, for compliance with the federal S.A.F.E. Mortgage Licensing Act of 2008; amends KRS 286.8-010 to define terms; amends KRS 286.8-020 to establish new requirements for mortgage loan companies and mortgage loan brokers; creates a new section of Subtitle 8 of KRS Chapter 286 to establish requirements for mortgage loan originators and mortgage loan processors; amends KRS 286.8-030 to prohibit transaction of business in Kentucky as a mortgage loan company or mortgage loan broker without the licensing required by Subtitle 8 of KRS Chapter 286, unless specifically exempted; provides that each solicitation, attempt, or closed loan constitutes a separate violation; requires that the unique identifier appear clearly on the mortgage loan application and on solicitations or advertisements; prohibits representations on a mortgage loan application that are inconsistent with KRS 286.8-030; amends KRS 286.8-032 to require mortgage loan company license applicants to have and maintain a net worth of \$100,000 if the company certifies to the executive director that the company will not make or purchase loans secured by mortgages on residential real property; requires the application for a mortgage loan broker and mortgage loan company license to include a physical location of a mortgage lending business with a street address and not a post office box; revises the proof of residence requirements; amends KRS 286.8-034 to require submission of a license renewal to the Nationwide Mortgage Licensing System and Registry with an annual report of condition on a form prescribed by the Nationwide Mortgage Licensing System and Registry in addition to submission to the executive director; amends KRS 286.8-044 to require that notice of entry of any order by the executive director relating to the suspension or denial of a license, registration, or claim of exemption be in writing and served personally or by certified mail; authorizes a hearing upon written request by the affected person; authorizes the executive director to enter a final order if a written request is not received within 20 days of service, as defined; amends KRS 286.8-046 to authorize the executive director to order any

affirmative action such as restitution or refund deemed necessary against any person who violates any provision of Subtitle 8 of KRS Chapter 286 or any administrative regulation promulgated thereunder or any order issued by the executive director; amends KRS 286.8-060 to provide alternative bond requirements; amends KRS 286.8-100 to prohibit transacting business, either directly or indirectly, without filing the required application; amends KRS 286.8-150 to substitute a licensee or registrant for a mortgage loan company for purposes of classifying documents as confidential to protect the licensee or registrant, including documents obtained from the Nationwide Mortgage Licensing System and Registry; authorizes the executive director to determine the time period documents may be classified as confidential; recognizes that any material obtained from the Nationwide Mortgage Licensing System and Registry is subject to the provisions of Section 1512 of the S.A.F.E. Mortgage Licensing Act; amends KRS 286.8-170 to require every mortgage loan company and mortgage loan broker to maintain correct and complete records of its business transactions at its principal office; adds mortgage loan originator and mortgage loan processor to the records retention and records access requirements; authorizes the executive director to exchange information with the Nationwide Mortgage Licensing System and Registry; requires every mortgage loan originator and mortgage loan processor to make available records relating to the originator's or processor's operations to the executive director or designated examiner; specifies reports that the executive director may require of any person subject to Subtitle 8 of KRS Chapter 286; prohibits a mortgage loan company, loan broker, originator, or processor from impeding the executive director or a designated examiner from interviewing specified persons; authorizes the executive director to control access to documents and records of a licensee or person under examination or investigation, subject to court order or consent of the executive director, but provides that the licensee or owner of the documents shall have necessary access to the documents unless the executive director has reasonable grounds to believe the documents are at risk of alteration or destruction; prohibits knowingly withholding, damaging, changing, destroying, or hiding paperwork that is subject to investigation or examination; authorizes the executive director to retain necessary professionals to conduct examinations or investigations, to enter into agreements or relationships with government officials or regulatory associations to improve efficiency in the regulatory process, and to engage analytical systems, methods, or software necessary to an examination or investigation; provides that KRS 286.8-170 is effective whether the person claims to act within the licensing or registration law of Kentucky or claims to act without authority; amends KRS 286.8-190 to conform; amends KRS 286.8-220 to make it unlawful to obtain property by fraud or misrepresentations, to fail to make required disclosures or to fail to comply with state and federal laws applicable to transacting business in Kentucky; amends KRS 286.8-220 to comply with the provisions of Subtitle 8 of KRS Chapter 286, unless specifically exempted; amends KRS 286.8-225 to establish the Mortgage Fraud Prosecution Fund as a trust and revolving fund in the State Treasury and establishes the sources of and uses for the fund; amends KRS 286.8-227 to conform; amends KRS 286.8-240 to provide that KRS 286.8-010 to 286.8-285 may be cited as the Mortgage Licensing and Regulation Act; amends KRS 286.8-255 to provide that no natural person shall transact business directly or indirectly as a mortgage loan originator or processor without a current certificate of registration and compliance with all applicable provisions of Subtitle 8 of KRS Chapter 286 and maintenance of a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry; authorizes the executive director to require information deemed necessary in an application for registration; increases from 12 to 20 the number of hours of prelicensing education courses required for initial

registration for mortgage loan originators and processors; specifies that the prelicensing education courses be approved and designated by the executive director, subject to the requirements of Section 1505(c) of the S.A.F.E. Mortgage Licensing Act, and that the courses shall be reviewed and approved by the Nationwide Mortgage Licensing System and Registry; authorizes acceptance of prelicensing education from any other states that meet the Kentucky requirements; deletes the provision for a temporary certificate of registration; authorizes the executive director to require background records checks necessary to comply with the minimum requirements of Section 1505 of the S.A.F.E. Mortgage Licensing Act and to require submission of an independent credit report with an initial application or renewal application; establishes the minimum standards for registration for a mortgage loan originator or processor; establishes the minimum standards for renewal of registration for a mortgage loan originator or processor; requires mortgage loan originators to provide loan origination services to no more than one mortgage loan company or mortgage loan broker at a time; amends KRS 286.8-260 to establish new continuing professional education requirements to meet the minimum requirements of Section 1505(b) of the S.A.F.E. Mortgage Licensing Act; amends KRS 286.8-285 to authorize the executive director to participate in the establishment and implementation of the Nationwide Mortgage Licensing System and Registry and to implement and comply with the S.A.F.E. Mortgage Licensing Act; establishes relationships or contracts with other governmental agencies, the Nationwide Mortgage Licensing System and Registry, or affiliated entities as needed; authorizes the executive director to establish interim procedures to implement the transition to the registration of new applicants and the renewal of previously registered persons; provides that the executive director may use the Nationwide Mortgage Licensing System and Registry, as an agent, for purposes of receiving, requesting, and distributing information; requires the executive director to establish a process for challenging information submitted by the executive director to and entered into the Nationwide Mortgage Licensing System and Registry; requires the executive director to request audited financial reports annually from the Nationwide Mortgage Licensing System and Registry; requires the executive director to annually request any nonconfidential protocols or reports for security and safeguarding personal information; requires the executive director to annually request from the Nationwide Mortgage Licensing System and Registry specified statistical information relating to examinations taken by applicants for registration as loan originators; requires the executive director to report to the General Assembly, when requested, any information received from the Nationwide Mortgage Licensing System and Registry relating to audited financial reports, nonconfidential protocols or reports, and statistical information relating to loan originator licensing examinations; requires the executive director to report violations of Subtitle 8 of KRS Chapter 286 to the Nationwide Mortgage Licensing System and Registry; creates a new section of Subtitle 8 of KRS Chapter 286 to require every mortgage loan company and mortgage loan broker to exercise proper supervision and control over its operations and personnel; prohibits using the services of a mortgage loan originator that is not an employee under the supervision and control of the company and provides this provision does not prohibit using the services of a mortgage loan broker and its employees; creates a new section of Subtitle 8 of KRS Chapter 286 to establish severability of the provisions of this Act; amends KRS 286.2-100 to conform and to add “bank holding company,” “savings and loan association holding company,” and “wholly owned subsidiary” of the named entities to the definition of “financial institution”; amends KRS 286.2-670 to conform by deleting the various foreign financial institutions listed as not doing business in this state and to substitute “a foreign financial institution”; amends KRS 286.2-680 to conform; creates a new section of Subtitle 2 of

KRS Chapter 286 to authorize the executive director to levy a civil penalty of not less than \$1,000 nor more than \$5,000, plus costs, on any person who violates any provision of Subtitle 2 of KRS Chapter 286; amends KRS 286.012 to conform; and repeals KRS 286.8-040, 286.8-042, 286.8-200, and 286.230.

**HB 117**

AN ACT relating to retirement.

Amends KRS 61.565 to establish a 10-year phase-in of the actuarially required employer contribution to the County Employees Retirement System for funding of retiree health benefits; and requires the systems' board of trustees to amend employer rates payable on or after July 1, 2009, accordingly.

**HB 124**

AN ACT relating to excused school absence.

Amends KRS 159.035 to grant students excused absences for up to 10 days to visit a parent or legal guardian serving in the United States military, stationed out of the country, and on leave granted by the military.

**HB 126**

AN ACT relating to electricians.

Amends KRS 227A.060 to establish a credit for completing an associate's degree or diploma program in electrical technology at a college within the Kentucky Community and Technical College System as a replacement for 1 year of the required work experience necessary to obtain either a "master's electrician" or "electrician" license; and repeals KRS 227A.080, which provided for licensure prior to July 15, 2004.

**HB 129**

AN ACT relating to the sale of alcohol to minors.

Amends KRS 244.080 to restrict a licensee's agent, servant, or employee from improper distribution of alcoholic beverages and prohibits possession by a minor; and amends KRS 244.085 to restrict attendance of minors at concerts where alcoholic beverages are sold, exempting hotels, motels, convention centers, racetracks, golf courses, private clubs, parks, fairs, churches, schools, athletic arenas, theaters, small farm wineries, and other specified locations.

**HB 139**

AN ACT relating to the transportation of persons.

Repeals and reenacts without change KRS 281.605, relating to exemptions from motor carrier regulations.

**HB 143**

AN ACT amending the 2008-2010 branch budget bills, making an appropriation therefor, and declaring an emergency.

Amends 2008 Kentucky Acts Chapter 127, the state/executive branch budget, to create a new budget reduction plan for fiscal year 2009; amends the budget reduction plan for fiscal year 2010 to conform; provides additional bond funds for the Kentucky Heritage Land Conservation Fund; transfers funds from the Kentucky Heritage Land Conservation Fund and the Capital



Construction and Equipment Purchase Contingency Account; notwithstanding KRS 48.130(7), relating to restoration in reverse order of reduced services when receipts increase over estimated deficits, in the General Fund Contingency Plan; addresses the American Recovery and Reinvestment Act of 2009; and requires a fund transfer from the legislative and judicial branches; EMERGENCY.

#### **HB 144**

AN ACT relating to taxation and declaring an emergency.

Amends KRS 138.140 to increase the tax rates on cigarettes, other tobacco products, and snuff on April 1, 2009, as follows: increase the tax on cigarettes to 60 cents per pack from the current rate of 30 cents per pack, increase the tax on other tobacco products to 15 percent of the gross receipts derived from sales made within the Commonwealth from the current rate of 7.5 percent; and increase the tax on snuff to 19 cents per unit from the current rate of 9.5 cents per unit; amends KRS 138.143 to require a floor stock tax on inventory as of 11: 59 p.m. on March 31, 2009, and allows the floor stock tax to be paid in three installments; and amends KRS 139.470 to remove the current sales and use tax exemption on packaged alcohol sales, making sales of alcohol on or after April 1, 2009, taxable at the current rate of 6 percent.

#### **HB 150**

AN ACT relating to firefighters.

Amends KRS 95A.040 to require the fire commission to establish a physical agility test for professional firefighters.

#### **HB 153**

AN ACT relating to milk.

Creates new sections of KRS Chapter 260 to establish a Kentucky Milk Commission; defines “commission,” “commissioner,” “milk,” “milk processor,” and “milk producer”; designates commission members; sets the requirements for membership on the commission; requires commission members to abide by the state ethics code; clarifies the Department of Agriculture’s role related to the commission; describes the general duties of the commission; requires the commission to create a dairy plan; limits the commission’s authority to promulgate administrative regulations related to pricing of milk; and creates a Dairy Industry Fund.

#### **HB 161**

AN ACT relating to officers and declaring an emergency.

Amends KRS 62.990 to require an office to be considered vacant if a person violates, before January 1, 2010, the oath of office provisions in KRS 62.010; and requires an office to be considered vacant and the person ineligible for the same office for 2 years if a person violates, on or after January 1, 2010, the oath of office provisions of KRS 62.010; EMERGENCY.

#### **HB 173**

AN ACT relating to grain.

Amends KRS 251.620 to make technical corrections; amends KRS 251.650 to pay a per diem of \$50 and expenses per meeting to board members; amends KRS 251.720 to establish guidelines that must be met for persons purchasing grain valued at more than \$1 million within a calendar month; and makes technical corrections.

**HB 181**

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

Repeals and reenacts 2008 Kentucky Acts Chapter 191, Sections 1, 2, and 3, which identifies projects to be funded from the Infrastructure for Economic Development Fund for Coal and Non-Coal Producing Counties' Bond Funds and provides that all projects be administered by the Kentucky Infrastructure Authority; establishes legislative intent; and sets retroactive effective date; EMERGENCY.

**HB 185**

AN ACT relating to mine safety.

Amends KRS 352.220 to allow an electrical trainee to perform electrical work in the mine if under the direct supervision of a certified electrician.

**HB 186**

AN ACT relating to real property taxation.

Amends KRS 132.0225 to exempt a city that elects to collect its own taxes without the assistance of the sheriff from establishing a tax rate within 45 days of the cabinet's certification of the county's property tax roll; amends KRS 132.285 to require the property valuation administrator (PVA) to provide copies of recapitulations of property assessments to the city when the city uses the county assessments for its tax collection; removes the ability for a city to set the fiscal year by ordinance when using county assessment; deletes the requirement that the serving assessor be allowed to remain in office until the end of the term when a city abolishes the office of city assessor; and amends KRS 133.040 to require the PVA to provide copies of property recapitulations to the chief executive officers of charter counties, unified local governments, consolidated local governments, and mayors of cities.

**HB 193**

AN ACT relating to auctioneers.

Amends KRS 330.010 to name the chapter; amends KRS 330.020 to add definitions of "auction," "personal property," "real property," and "sealed bid auction"; amends KRS 330.030 to prohibit auctioneers, limited livestock auctioneers, and auction house operators from advertising as or acting in those capacities without a license issued by the board; amends KRS 330.040 to exempt political parties, churches, and charitable organizations from licensure when conducting auctions where all real or personal property is donated and 100 percent of the proceeds go back to the organization; exempts supervised students from licensure requirements; amends KRS 330.050 to prohibit more than two members of the same political party from serving on the board at the same time; authorizes the board to establish and collect fees for the administration and enforcement of this chapter; requires the board to maintain an annual list of licensees; establishes criteria requiring removal of a board member from the board; amends KRS 330.060 to establish age and education qualifications for applicants for licensure; permits the board to waive the high school diploma or equivalent for an apprentice licensed prior to 1985 who is applying for an auctioneer license; requires applicants to complete 80 hours of board-approved auction education before applying for an apprentice auctioneer license; permits the board to waive the 80-hour requirement if the applicant demonstrates sufficient previous auction experience by affidavit; requires that applications for the examination be submitted on board-

prepared forms; requires applicants to remit an examination fee; requires applicants to apply for initial licensure within 45 days of passing the exam; requires licensee to retake the examination if license is not renewed within 6 months of expiration; requires nonresident applicants to file an irrevocable consent that actions may be commenced against the applicant in any court of competent jurisdiction in Kentucky; amends KRS 330.070 to establish requirements for an apprentice auctioneer applying for an auctioneer license; requires that, effective June 30, 2010, apprentice auctioneers shall apply for an auctioneer license within 5 years of receiving an apprentice license; increases the cap on the initial license fee and annual renewal license fee from \$100 to \$150; requires that a license be renewed on or before its expiration date; requires payment of a late fee for licenses renewed after the expiration date; permits a licensee to remit a fee to defer the continuing education required to renew to the next annual renewal; directs the licensee to retake the examination if the continuing education requirement is not met by the next annual renewal; permits the board to require licensees to complete a 6-hour core course every 4 years; specifies core course content; requires the board to issue each licensee a pocket license; requires an apprentice auctioneer to affiliate with a new principal auctioneer within 30 days of being discharged or voluntarily terminating employment with a principal auctioneer; requires a licensee to remit a reactivation fee and the annual renewal recovery fee to reactivate a license in escrow; authorizes the board to fine, suspend, or revoke the license of a licensee for failure to notify the board of a change of address within 10 days; authorizes the board to collect a fee for changing an address on its records; amends KRS 330.095 to establish requirements for reciprocity; establishes initial and renewal reciprocal fees; exempts a reciprocal licensee from reporting continuing education if licensed in a jurisdiction that has a continuing education requirement; requires a reciprocal licensee to report continuing education if licensed in a jurisdiction that does not have continuing education requirement; authorizes the board to impose disciplinary actions on a reciprocal licensee; amends KRS 330.100 to exempt a nonresident Kentucky licensee from maintaining a place of business in Kentucky if a place of business is maintained in the nonresident's home state; directs an auction house operator to include the license number on signs; exempts directional signs; requires that all claims or disputes of auctions in Kentucky be adjudicated in the courts of this Commonwealth; creates a new section of KRS Chapter 330 to establish advertising requirements; directs any auction advertisements to include the name of the managing principal auctioneer responsible for the auction or the licensed auction house operator; requires the clear disclosure of any buyer's premium prior to the start of an auction; defines advertising requirements for "court ordered," "bankruptcy," "seized, confiscated, or forfeiture property," "liquidation, surplus, inventory, or going out of business," "estate," and "living estate" auctions; amends KRS 330.110 to increase the maximum fine for violating any provisions of this chapter from \$500 to \$2,000, the maximum term for a license suspension from 4 to 5 years, and the maximum period for probation from 3 to 5 years; adds provisions constituting grounds for violation of this chapter including entering a guilty or similar plea or being convicted of a felony, failure to enter into a binding written listing contract prior to advertising an auction, failure to provide a receipt to all persons consigning property for auction, failure to establish and maintain for 5 years records of auction transactions, and failure to present auction-related information upon request by the board; amends KRS 330.180 to require the board to allow public inspection of records pursuant to the Kentucky Open Records Act; amends KRS 330.192 relating to the auctioneer's education, research, and recovery fund to permit the board to assess a renewal recovery fee established by administrative regulation; requires the board to assess each applicant an initial recovery fee; requires that all claims for monetary

damages be made within 12 months of the act giving rise to the loss; amends KRS 330.210 to exempt an auction sale of horses or any auctioneer participating in a horse auction from certain advertising requirements, causes justifying disciplinary action, or provisions regulating absolute and reserve auctions; amends KRS 330.220 to require that lots or parcels of real or personal property be offered subject to a separate sale at auction; establishes provisions for completing an auction; permits an auctioneer to withdraw real or personal property at any time until completion of a sale at an auction with reserve; forbids an auctioneer from withdrawing an article, lot, or parcel from an absolute auction unless no bid is made within a reasonable time; establishes prohibitions and exceptions for minimum starting bids at both absolute and reserve auctions; amends KRS 330.990 to define penalties; permits the board to seek injunctive relief to the Circuit Court of the county in which the alleged violation occurred; amends KRS 330.115, 330.120, 330.130, 330.170, and 330.190 to make technical changes and to conform; and repeals KRS 330.033, 330.035, and 330.090.

**HB 194**

AN ACT relating to child safety.

Creates a new section of KRS 199.892 to 199.896 to require the Cabinet for Health and Family Services to notify child-care providers of the Kentucky Consumer Product Safety Program and the program's Web site; and requires child-care centers to post information on the Kentucky Consumer Product Safety Program and the program's Web site.

**HB 198**

AN ACT relating to community education.

Amends KRS 160.155, 160.156, and 160.157 to delete obsolete language; clarifies language regarding the use of funds for a community education director, including professional development; and clarifies roles.

**HB 202**

AN ACT relating to watercraft.

Amends KRS 136.1801 to correct mile markers on rivers to conform to designations determined by the U.S. Army Corps of Engineers; amends KRS 136.1803 to make commercial watercraft property tax returns due May 15; and amends KRS 136.1804 to require notification be given to commercial watercraft owners when local property tax rates are set and provided to the Department of Revenue.

**HB 204**

AN ACT relating to the county employees retirement system.

Amends KRS 78.510 to increase from up to 6 months to up to 9 months for which an employee, other than a school board employee, qualifies as being employed in a seasonal position for purposes of the county employees retirement system; defines a seasonal position for school board employees participating in the county employees retirement system as no more than 6 months of employment.

### **HB 208**

AN ACT relating to fish and wildlife.

Amends KRS 150.025 to allow the Department of Fish and Wildlife Resources to make all new or amended administrative regulations available on the department's Web site within 5 days of their filing instead of requiring newspaper publication; amends KRS 150.175 to allow holders of trapping licenses to trap on lands of another person with that person's oral consent, as provided by administrative regulation; allows short-term hunting licenses to be issued to residents and nonresidents; amends KRS 150.179 to allow the department to waive licensing requirements for participants in events or programs supporting recreational activities; and amends KRS 150.410 to allow wildlife identification numbers to be used for the tagging of traps.

### **HB 216**

AN ACT relating to fiscal matters and declaring an emergency.

Repeals and reenacts various sections within the Kentucky Revised Statutes to codify the provisions contained in 2008 RS HB 704: KRS 136.392 codifies several court decisions related to insurance premiums taxes; KRS 138.195 clarifies that manufacturers are to submit to the Department of Revenue monthly reports of all shipments of cigarettes, other tobacco products, or snuff to persons within this state and that the first person to import cigarettes, other tobacco products, or snuff from a foreign manufacturer is to submit a monthly report to the Department of Revenue; KRS 141.16 clarifies that income tax returns of cooperatives are to be made on September 15 of each year, unless the return is prepared on a fiscal year basis; KRS 160.6156 provides that a utility service provider shall not be entitled to a refund or credit of taxes paid, unless the provider refunds or credits its related customers the amount of overpayment made to the Department of Revenue; KRS 160.6157 allows the Department of Revenue to issue a penalty to a utility service provider who erroneously bills a customer after being notified by the department of the error in an amount equal to \$25 per subsequent error, not to exceed \$10,000 per month; KRS 160.6158 allows the imposed penalty to be waived based on reasonable cause; KRS 131.183, 141.044, 141.235, and 134.580 change the interest rate accrued on taxes payable to the prime rate plus 2 percent, change the interest rate on overpayments to the prime rate minus 2 percent, and apply to bills and refunds as of May 1, 2008; KRS 393.060 modifies the holding period for deposits at financial institutions and travelers' checks that are presumed abandoned property; KRS 157.621 includes authorization for the growth nickel that was originally authorized by the 2003 budget, provides that levy of the growth nickels is not subject to recall or voter approval, and includes equalization funding for the growth nickel; and KRS 139.010 modifies the definition of "retailer" for sales and use tax purposes to clarify that a person, under certain circumstances, making sales at a charitable auction is not a retailer.

### **HB 236**

AN ACT relating to Internet protocol television.

Amends KRS 136.602 to change the definition of "multichannel video programming service" to include Internet protocol television provided through wireline facilities without regard to delivery technology; amends KRS 160.603 to allow a school district board of education to levy a utility gross receipts license tax on Internet protocol television service provided through wireline facilities as part of the tax levied on multichannel video programming service without a public hearing; amends KRS 160.6131 to exclude Internet protocol television provided through wireline facilities from the definition of "communications services" and to define "multichannel

video programming service”; amends KRS 160.614 to require a school district board of education that levies a new utility gross receipts license tax on or after July 1, 2009, to include the gross receipts from furnishing multichannel video programming service in addition to the gross receipts derived from utility services; requires any school board of education that has included the gross receipts derived from cable service and direct satellite broadcast and wireless cable service in the base of a utility gross receipts license tax prior to July 1, 2009, to thereafter include the gross receipts derived from the furnishing of Internet protocol television service in the base of the tax and at the same rate.

### **HB 249**

AN ACT relating to approval of capital projects.

Amends KRS 56.491 to increase the cap on state agency capital projects that require approval of the Finance and Administration Cabinet from \$200,000 to \$250,000; and amends KRS 164A.585 to increase the cap for higher education capital projects to \$250,000.

### **HB 262**

AN ACT relating to property taxes and declaring an emergency.

Makes omnibus revisions to KRS Chapter 134 by amending, repealing, and creating various new sections to move the sale of certificates of delinquency from the sheriff’s office to the county clerk’s office; deletes provisions requiring the state to purchase certificates of delinquency; specifically addresses the collection of delinquent personal property taxes; clarifies who may make payments on tax bills and certificates of delinquency to the sheriff or the county clerk and the legal status of those making payments; provides that the sheriff’s commission shall be paid whether the taxes are collected by the sheriff or by the county clerk; establishes a temporary procedure to address issues with the sale of certificates of delinquency for 2009; establishes procedures for third-party purchasers to register with the Department of Revenue and with county clerks prior to participating in the sale of certificates of delinquency; clarifies procedures relating to the payment of certificates of delinquency held by a third-party purchaser when the third-party purchaser cannot be located; clarifies the collection and reporting processes and procedures for sheriffs; establishes penalties; establishes a new section of KRS Chapter 131 to move the lien provisions relating to taxes other than property taxes from KRS Chapter 134 to KRS Chapter 131; amends KRS 15.460, 45.241, 46.040, 64.012, 65.375, 66.480, 67.938, 67C.123, 70.020, 92.810, 131.130, 131.500, 132.193, 132.195, 132.220, 132.290, 132.370, 132.486, 132.820, 132.825, 133.120, 133.180, 133.220, 133.250, 134.480, 135.040, 136.180, 136.1804, 136.1877, 136.320, 138.715, 138.880, 149.580, 160.500, 186.020, 281.602, 304.20-200, 304.20-220, and 424.330 to conform; repeals KRS 134.020, 134.030, 134.040, 134.050, 134.060, 134.070, 134.080, 134.090, 134.100, 134.110, 134.120, 134.130, 134.148, 134.150, 134.170, 134.180, 134.200, 134.220, 134.240, 134.250, 134.260, 134.270, 134.280, 134.290, 134.295, 134.300, 134.310, 134.320, 134.325, 134.330, 134.340, 134.350, 134.360, 134.385, 134.390, 134.410, 134.430, 134.440, 134.450, 134.460, 134.470, 134.480, 134.485, 134.500, 134.540, 134.550, 134.560, and 134.570; allows the Department of Revenue to promulgate administrative regulations, develop forms, and take other steps necessary to implement the provisions of the Act prior to the January 1, 2010; includes a general effective date of January 1, 2010; provides that the provisions of the Act apply for taxes related to assessment dates on or after January 1, 2009; provides that Sections 4 and 70, relating to the sheriff’s sale of

delinquent tax claims, and Section 72, relating to the authority of the Department of Revenue to promulgate administrative regulations, have an emergency effective date; EMERGENCY.

**HB 284**

AN ACT relating to KARDA.

Amends KRS 11.170 to narrow the scope of the functions of the Kentucky Agriculture Resources Development Authority board and to reduce the membership from 27 members to 23 members; creates a noncodified section to describe the transitional process in appointing the new members of the board; and makes technical corrections.

**HB 292**

AN ACT relating to financial matters of the Commonwealth, making an appropriation therefor, and declaring an emergency.

Repeals and reenacts 2008 Kentucky Acts Chapter 174 Sections 1 and 2 that amend the state/executive branch budget bill to make technical corrections, reauthorize a Kentucky Community and Technical College System (KCTCS) capital project, change the School Facilities Construction Commission's use of local district capital outlay language, add a KCTCS capital project to the General Fund Contingency Plan, provide additional money for Bucks for Brains, increase bond funds for the Infrastructure for Economic Development Fund for Coal and Non-Coal Producing Counties, and make conforming changes; establishes legislative intent; applies retroactively to April 24, 2008; EMERGENCY.

**HB 295**

AN ACT relating to public school facilities.

Amends KRS 157.420 to allow school districts to apply to the commissioner of education to use capital outlay funds to purchase land, modify an existing school or for maintenance or property insurance; allows growth districts to apply to use capital outlay funds for operating expenses for 2 years after a new school opens; and amends KRS 157.440 to allow the levy for school facilities currently dedicated for the Facilities Support Program of Kentucky to be used to purchase land if approved by the commissioner of education.

**HB 301**

AN ACT relating to animal protection.

Creates a new section of KRS Chapter 258 to prohibit the removal of a domesticated animal identification or tracking device without permission; establishes exceptions; and sets out penalties for a violation.

**HB 302**

AN ACT relating to agriculture.

Amends various sections of KRS Chapter 257; defines "abandon," "department," and "reportable disease," and changes "communicable disease" and "livestock"; adds poultry, fish, and animal industries to Board of Agriculture's enforcement duties; amends KRS 257.030 to denote scope of agency cooperation; clarifies state veterinarian's powers in animal confinement and transport; amends KRS 257.050 to include poultry and fish in quarantine violation prohibition; clarifies permit requirement for diseased animals brought into the state; establishes the board's jurisdiction in removing quarantined animals from the state; amends KRS 257.080 to

add a laboratory to diseased animal reporting requirements; amends KRS 257.100 to give a board agent the power to destroy an animal; amends KRS 257.105 related to information required in unclaimed animal sale; establishes criteria for animal destruction indemnities; clarifies instances under which indemnities are paid; amends KRS 257.150 regarding steps required before payment occurs; amends KRS 257.160 regarding diseased carcass disposal; amends KRS 257.170 as to carcass transport; amends KRS 257.300 to add poultry and fish to interstate cooperation; includes poultry and fish diseases as factors in bird destruction; includes poultry and fish in policy declaration; amends KRS 257.490 related to division law enforcement powers; amends KRS 257.600 regarding the feeding of garbage to swine; and repeals KRS 257.115, 257.260, and 257.310.

### **HB 309**

AN ACT relating to motor vehicles.

Amends KRS 186A.520 to exclude the cost of airbags from the calculation of damages that determine whether a vehicle meets the 75 percent damaged threshold to be classified as a salvage vehicle; requires insurers to pay for airbag reinstallation in accordance with the terms and conditions of individual insurance policies up to the total retail value of the vehicle; amends KRS 186A.540 to establish that individuals or dealers are only responsible for disclosing damages to a motor vehicle of which they have direct knowledge and that occurred while in their possession; and requires amendments to KRS 186A.520 to be EFFECTIVE OCTOBER 1, 2009.

### **HB 315**

AN ACT relating to crimes and punishments.

Amends KRS 510.155 relating to electronic communications with a minor to allow certain acts to constitute prima facie evidence under that section and to include communications that may originate or terminate outside of the Commonwealth; amends KRS 508.130 to include the use of communication devices as means by which stalking may be done; amends KRS 531.010 and 531.300 to include live images transmitted over the Internet within the coverage of the obscenity statutes; creates a new section of KRS Chapter 17 to prohibit sex offenders from using social networking Web sites; amends KRS 17.510 to require sex offenders to disclose their Internet communications identities; amends KRS 17.580 to allow the state's sex offender registration Web site to be accessed to ascertain if an Internet communications identity is associated with a registered sex offender; creates a new section of KRS Chapter 500 to provide a forfeiture scheme for personal property used in connection with various sexual and exploitative offenses; amends KRS 16.210 and 500.090 to conform to the new forfeiture provision; creates a new section of KRS Chapter 500 to allow the attorney general to issue a subpoena to obtain delineated Internet information related to Internet accounts for which there is reasonable cause to believe that the account has been used in the exploitation of children or in the offense of stalking; and creates a new section of KRS Chapter 434 to criminalize the offense of phishing, where one uses the Internet to induce another to divulge personal information by impersonating a third party.

### **HB 321**

AN ACT relating to the collection, storage, and use of DNA samples.

Repeals and reenacts KRS 17.169 relating to DNA definitions; repeals, amends, and reenacts KRS 17.170 relating to convicted felons from whom DNA is to be taken, changes



taking DNA from juveniles to include any juvenile at least 14 years of age at the time of the commission of the offense who is adjudicated delinquent as a public offender for any felony offense in KRS Chapter 510, incest as defined in KRS 530.020, criminal attempt or criminal conspiracy to commit the listed offenses, or who is a juvenile sex offender pursuant to KRS 635.510; repeals and reenacts KRS 17.175 relating to the centralized DNA database; repeals, amends, and reenacts KRS 17.510 to require registered sex offenders who do not have a DNA sample on file to provide a sample upon reregistration; changes date reference to 2009; repeals and reenacts KRS 17.580, relating to the Department of Kentucky State Police registered sex offender Web site, to exclude DNA information; repeals KRS 17.171, 17.172, 17.173, 17.174, and 17.177, all relating to various aspects of DNA; creates a noncodified section to permit the Department of Kentucky State Police to retain all DNA samples collected; and creates a noncodified section to permit the Department of Kentucky State Police to utilize all DNA samples collected; EMERGENCY.

### **HB 322**

AN ACT relating to school calendars and declaring an emergency.

Allows a local board of education to request the commissioner of education to waive the makeup of up to 10 instructional days missed due to Tropical Storm Ike and the severe weather storms of January and February 2009; requires districts requesting disaster days to submit an amended calendar that also shows that all makeup days included in the district's approved calendar for the 2008-2009 school shall be used before a request is granted; permits the commissioner to approve a request for disaster days at his or her discretion; allows the commissioner of education to approve a plan submitted by a local board of education that extends the instructional day by not less than 30 minutes; requires staff to make up instructional days approved as disaster days; identifies activities to be used by staff to make up days; requires a request for disaster days be made no later than May 1, 2009; requires the commissioner to approve or deny a request within 10 calendar days of the original request; permits the commissioner of education to approve a local board of education's request to exceed the 5 instructional hours that do not have to be made up under administrative regulation when school days were shortened to address an emergency situation; and amends KRS 157.360 to permit time missed due to shortening days for emergencies to be made up by lengthening school days in the school calendar without any loss of funds under the program to support education excellence in Kentucky; EMERGENCY.

### **HB 329**

AN ACT relating to veterans' affairs.

Amends KRS 40.305 to require members of the Governor's Advisory Board for Veterans' Affairs to meet quarterly rather than every 2 months.

### **HB 330**

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

Establishes funding criteria for road projects with certain designations; acknowledges that project authorizations were based upon Transportation Cabinet estimates; provides the Transportation Cabinet with the authority to expend funds necessary to complete projects authorized in this bill, amended only by variations dictated by bid or unforeseen circumstances;

provides that this bill in conjunction with 2009 RS HJR 105 shall constitute the 6-year road plan; [~~requires the Transportation Cabinet to advance design/build projects authorized pursuant to 2006 HB 380;~~] (*this provision was vetoed*); and sets out the 2008-2010 Biennial Highway Construction Plan; EMERGENCY.

**HB 331**

AN ACT relating to agisters.

Amends KRS 376.400 to permit persons or businesses that provide care to or maintenance of animals, under certain circumstances and with notice to the owner and lien holders of record, to sell the animal to recover their costs in lieu of taking a lien against the animal and provides structure for distribution of sale proceeds.

**HB 333**

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

Requires that recommendations relating to the adoption of the 6<sup>th</sup> edition or retention of the 5<sup>th</sup> edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" be presented to the Legislative Research Commission by January 4, 2010; and makes adoption of the 6<sup>th</sup> edition effective in July 2010; EMERGENCY

**HB 336**

AN ACT relating to dental hygienists.

Amends KRS 313.010 to change the definition of "dental hygiene" to include dental hygiene assessment; amends KRS 313.310 to permit a dental hygienist to provide dental screening services without a supervising dentist under board approved conditions; establishes screening requirements; and deletes the 3-day advance notification requirement but retains the requirement for advance notification to a patient when a supervising dentist will be absent from the location where dental hygiene services are to be provided.

**HB 337**

AN ACT relating to the Kentucky Capitol centennial celebration.

Creates new sections of KRS Chapter 171, establishing the Kentucky Capitol Centennial Commission; identifies individuals, groups, and agencies represented on the commission; establishes duties and responsibilities of the commission, including conducting the Capitol's centennial anniversary celebration in June 2010; attaches the commission to the Division of Historic Properties for administrative purposes; allows the commission to make recommendations concerning improvements to the Capitol grounds; and sunsets the commission on June 10, 2011.

**HB 340**

AN ACT relating to assessments on motor vehicles.

Amends KRS 132.485 to clarify procedures for assessments on vehicles purchased prior to January 1 that were registered after January 1 through no fault of the owner; sets due date of 45 days from the date of notice for ad valorem taxes on such vehicles for which the month of registration has passed; and clarifies that late penalties and interest do not accrue until that due date has passed.

**HB 344**

AN ACT relating to surplus agricultural commodities.

Creates new sections of KRS Chapter 247 to establish a program in the Department of Agriculture to distribute agricultural food commodities to food banks; defines “agricultural commodity” and “food bank”; establishes a program to award grants to purchase and distribute agricultural commodities to food banks; sets out requirements for receiving a grant; specifies considerations for the purchase of agricultural commodities; requires that a grantee shall report the results of a project to the department; creates a Surplus Agricultural Commodities Advisory Committee; establishes a Surplus Agricultural Commodities Fund; and requires the promulgation of administrative regulations.

**HB 347**

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

Amends KRS 139.010 to define terms; amends KRS 139.200 to impose Kentucky sales tax on digital property; amends KRS 139.105 to provide sourcing rules relating to the sale of digital property; amends KRS 139.310 to impose Kentucky use tax on the purchase, storage, or other consumption of digital property; amends KRS 139.195, 139.220, 139.260, 139.270, 139.280, 139.290, 139.330, 139.340, 139.390, 139.450, 139.470, 139.495, 139.510, 139.550, 139.700, 139.720, 139.730, and 139.740 to conform; and amends KRS 139.472 to exempt durable medical equipment if a prescription is written; EFFECTIVE JULY 1, 2009.

**HB 352**

AN ACT relating to the Court of Justice.

Amends various sections of KRS Chapters 23A and 24A to increase by one the number of circuit judges assigned to the 16<sup>th</sup> Judicial Circuit (Kenton County) and decrease by one the number of assigned district judges; provisions relating to 16<sup>th</sup> Judicial Circuit Court EFFECTIVE AUGUST 1, 2010, and provisions relating to 16<sup>th</sup> Judicial Court EFFECTIVE JANUARY 3, 2011.

**HB 369**

AN ACT relating to crimes and punishments.

Amends various theft-crime statutes, including KRS 434.650, 434.655, 434.660, 434.670, 434.690, 514.030, 514.040, 514.050, 514.070, 514.080, 514.090, 514.110, and 514.120, to provide that any theft under \$500 is a Class A misdemeanor, any theft of \$500 or more but less than \$10,000 is a Class D felony, and any theft of \$10,000 or more is a Class C felony; amends KRS 506.120, relating to criminal syndicates, to add a new element that committing or conspiring to commit more than one theft of retail merchandise with intent to resell the merchandise or acquiring stolen retail merchandise for the resale of the merchandise is included in the offense; provides for a Class C felony penalty for such an act and reduces the number of persons involved in a theft of retail merchandise to be a criminal syndicate from five or more to two or more; amends KRS 532.356, relating to sanctions in criminal cases other than fine and imprisonment, to provide that in the case of a theft for which the penalty has been enhanced by this Act or in the case of a retail theft by a criminal syndicate, the defendant’s motor vehicle operator’s license shall be suspended until the payment in full of any restitution ordered by the court; and provides that the court may permit the defendant to obtain a hardship license in the

same manner as provided in KRS Chapter 189A relating to driving under the influence except that the court may waive the ignition interlock requirement.

**HB 372**

AN ACT relating to probation and parole.

Amends KRS 439.340 relating to eligibility for parole to provide that a person convicted of a nonviolent Class D felony with an aggregate sentence of 1 to 5 years is eligible for parole after serving 15 percent or 2 months of the sentence imposed, whichever is longer; amends KRS 439.344 relating to time spent on parole counting as a part of the prisoner's sentence to specify that time spent on parole does count as time spent in prison except when the parolee is returned to prison for a new felony conviction, is classified as a violent offender under KRS 439.3401, or is a registered sex offender under KRS 17.500 to 17.580; amends KRS 439.354 that specifies that a paroled prisoner who has performed the obligations of the parole may be issued a final discharge from parole upon reaching the minimum expiration of sentence; provides that a paroled prisoner classified as a violent offender under KRS 439.3401, that a paroled prisoner who is a registered sex offender under KRS 17.500 to 17.580, or a paroled prisoner who has absconded from parole supervision shall not be eligible for discharge from parole until having served the maximum time to have been released from prison by expiration of sentence; amends KRS 532.050 relating to presentence investigations to permit the presentence investigation to be delayed until after sentencing upon the written request of the defendant; and requires the provisions of this Act to supersede the provisions of 2008 Kentucky Acts Chapter 127 in the event of a conflict.

**HB 374**

AN ACT relating to motor fuels taxes and declaring an emergency.

Amends KRS 138.210 to clarify definition of "average wholesale price"; and amends KRS 138.220 to clarify how the average wholesale price shall be determined and adjusted, and to establish the lowest value for the average wholesale price as \$1.786 per gallon.

**HB 383**

AN ACT relating to interscholastic athletics and declaring an emergency.

Directs the Kentucky High School Athletics Association, with assistance from the Kentucky Department of Education, to staff and coordinate a study of sports safety; identifies issues to be studied including the requirements and adequacy of sports safety education in public middle and secondary schools; establishes the membership of the formal work group; requires a report to the Interim Joint Committee on Education by October 30, 2009; creates a new section of KRS Chapter 160 to direct the Kentucky Board of Education to require high school coaches to complete a sports safety course; identifies content to be included in the course; requires high school coaches to complete the course and pass an end-of-course examination; and requires at least one person who has completed a sports safety course to be on-site at every high school athletic practice and competition, beginning with the 2009-2010 school year; EMERGENCY.

**HB 401**

AN ACT relating to real estate brokerage.

Amends KRS 324.045 to make all applicants for licensure as a real estate broker subject to a national criminal history check involving the National Crime Information Center; requires

the applicant to authorize release of the results to the commission, pay the costs of the check, complete the check within 90 calendar days prior to application, and complete and return to the commission within 120 days a signed affidavit verifying that there is nothing on record to prohibit the applicant from licensure; requires a broker to provide written notice to the commission if escrow account overdrafts are not corrected within 72 hours of receiving notice; amends KRS 324.111, 324.151, and 324.170 to authorize the commission to conduct an emergency hearing for alleged escrow account violations by the licensee; amends KRS 324.117 to clarify that a sales associate may have his or her name in the firm name after 2 years of experience with the firm; amends KRS 324.141 to establish prerequisites for reciprocal licensure; requires the commission to promulgate administrative regulations to implement reciprocity provisions; requires all foreign applicants to furnish a certificate of good standing from their home jurisdiction with the Kentucky application; amends KRS 324.150 to allow the commission to conduct an emergency hearing in accordance with KRS Chapter 13B if a licensee is alleged to have committed an escrow account violation; requires the commission to promulgate administrative regulations to describe conditions when emergency action is justified; amends KRS 324.160 to remove the prohibition on offering prizes to influence a purchaser or prospective purchaser of real estate; amends KRS 324.165 to conform; amends KRS 324.310 and 324.312 to require a principal broker to return an associate's license to the commission immediately upon written termination of that association or at any time upon the commission's request; declares that if a principal broker fails to return a license to the commission within 5 business days, the license is considered released and the principal broker is in violation of conduct that constitutes improper, fraudulent, or dishonest dealing; amends KRS 324.420 to deny an aggrieved party recovery of compensation from the real estate education, research, and recovery fund, unless the compensation is for the actual financial harm suffered and is specific to the property; amends KRS 324.010 to replace the term "managing broker" with "designated manager"; amends KRS 324.121 to allow either a principal broker or designated manager to be deemed a dual agent in a designated agency situation; and creates a new section of KRS Chapter 324 to exempt community managers and not-for-profit community associations including townhouse, condominium, homeowner, or neighborhood associations from the jurisdiction of the Kentucky Real Estate Commission.

#### **HB 407**

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

Authorizes the payment of certain claims against the state; and makes an appropriation; EMERGENCY.

#### **HB 408**

AN ACT relating to state funds allocations to local school districts.

Amends KRS 157.360 to permit growth districts to request adjustments in the Support Education Excellence in Kentucky (SEEK) funds when average daily attendance in the current year for the 20-day school month with the most days in January exceeds the prior year's adjusted average daily attendance plus growth by at least 1 percent; prescribes how the state portion of the

SEEK program is calculated regarding the value of real estate; and amends KRS 157.420 to permit a local school district to request approval from the commissioner of education to use capital outlay funds for the purchase of school buses or to use the funds for increased operational expenses for the first 3 years following increased growth in the district without forfeiture of the district's participation in the School Facilities Construction Commission Program.

**HB 410**

AN ACT relating to the Kentucky State Police.

Amends KRS 16.010 to define "Trooper R class" as retired troopers who have been reemployed by the Department of Kentucky State Police on a contractual basis, and to make technical amendments; amends KRS 16.040, 16.060, 16.070, 16.080, 16.100, 16.110, 16.140, and 16.185 to provide for the physical requirements, duties, clothing and equipment, training, discipline, reimbursements for, and indemnification of, individuals employed as Trooper R class; amends KRS 16.055 to modify the scoring of promotions for officers within the Department of Kentucky State Police; establishes a new KRS Chapter 16A to authorize the commissioner of the Kentucky State Police to hire retired troopers as a Trooper R Class on a contractual basis; creates a new section of KRS Chapter 16A to establish the requirements of individuals employed as Trooper R Class; creates a new section of KRS Chapter 16A to authorize the commissioner of the Kentucky State Police to hire up to 100 individuals as a Trooper R class on a contractual basis for 1 year with the potential for contract renewal for up to 4 additional years; provides that the number of individuals employed as Trooper R Class not count against the employee cap for the department; provides that individuals employed as Trooper R Class be compensated according to administrative regulations promulgated by the commissioner; provides that individuals employed as a Trooper R class shall not be placed in supervisory positions; provides that individuals employed as Trooper R Class be given due process for disciplinary action; provides that individuals employed as Trooper R Class continue to be eligible for pension and retiree health benefits provided by the retirement systems; requires that individuals employed as Trooper R Class adhere to agency standards of conduct and that any person may present charges against any individual employed as Trooper R Class by filing charges with the Office of Internal Affairs.

**HB 411**

AN ACT relating to the Kentucky State Police.

Creates KRS Chapter 16A to establish the minimum requirements, powers and duties, promotion procedures, disciplinary actions and procedures, appeal processes for disciplinary actions, and other personnel matters for commercial vehicle enforcement officers, arson investigator officers, hazardous device investigator officers, and facilities security officers within the Department of Kentucky State Police; amends KRS 12.020 and 15A.020 to eliminate the Department of Kentucky Vehicle Enforcement and transfer its functions and personnel to a newly created Division of Commercial Vehicle Enforcement within the Department of Kentucky State Police; amends KRS 281.600 to transfer motor carrier safety audit program responsibility to the Department of Kentucky State Police; amends KRS 15A.075, 18A.005, 18A.095, 281.755, 281.880, 281.883, 281A.090, and 431.105 to conform; repeals KRS 15A.370, 15A.371, and 15A.372; and confirms Executive Order 2008-707.

#### **HB 414**

AN ACT relating to pharmacy audits.

Creates a new section of Subtitle 17A of KRS Chapter 304 to define “administrator,” “auditing entity,” and “insurer”; requires compliance with this Act if a provider agreement or provider contract between a pharmacy and an insurer, an agency of the Commonwealth, a health maintenance organization, a pharmacy benefits administrator, or a pharmacy benefits manager allows an audit of a pharmacy’s records; creates a new section of Subtitle 17A of KRS Chapter 304 to specify the requirements for an audit of the records of a pharmacy when conducted by an auditing entity; creates a new section of Subtitle 17A of KRS Chapter 304 to require that an auditing entity conducting an audit of a pharmacy shall establish an appeals process; requires dismissal of an audit report or any portion thereof if an audit report or any portion of the audit report is unsubstantiated; prohibits collection of disputed funds until the appeals process is complete; exempts audits conducted for a Medicaid managed care organization pursuant to KRS Chapter 205; and exempts pharmacy audits from the requirements of this Act if there are allegations of fraud, willful misrepresentation, or abuse.

#### **HB 416**

AN ACT relating to retirement.

Amends KRS 16.505, 61.510, and 78.510 to clarify that the accumulated contributions of the member shall not include funds contributed for retiree health benefits by employees who begin participating on or after September 1, 2008, to clarify that the fiscal year shall be used for determining contribution and benefit limits under the federal tax code, to ensure actuarial equivalence of all retirement payment options, and to define membership date; amends KRS 16.555, 61.570, and 78.630 to require funds contributed for retiree health benefits by employees who begin participating on or after September 1, 2008, to be placed in a separate account within the pension funds; amends KRS 16.560, 61.575, and 78.640 to clarify that the funds contributed for retiree health benefits by employees who begin participating on or after September 1, 2008, shall not be deposited into the member contribution account; amends KRS 16.530 and 61.540 to allow a beneficiary to receive benefits regardless of whether or not the member and employer filed the appropriate forms upon the member entering the retirement systems; amends KRS 16.576, 16.578, 61.630, and 61.640 to require a deceased member’s estate to take a lump-sum payment rather than monthly payments and to make technical amendments; amends KRS 61.541 to remove language relating to the estimation of the salary used for retirement purposes by fee officers; amends KRS 61.552 to allow an employee to separate service purchases on a new installment payment plan with the systems that were grouped under a previous installment payment plan, to allow the employee to pay off a portion of the service purchase contract if payments on the contract have been stopped, and to remove language related to the purchase of service as a domestic relations commissioner that expired December 31, 2002; amends KRS 61.565 to change the start date of the amortization period for amortizing the actuarially accrued unfunded liabilities from 1990 to 2007 and to make technical amendments; amends KRS 61.590 to establish time limits for completion of retirement forms; amends KRS 61.615 to clarify and establish requirements for the reapplication for reinstatement of disability benefits and to make technical amendments; amends KRS 61.623 to require the recipient to complete direct deposit forms rather than requiring both the recipient and the financial institution to complete the forms and to remove provisions providing for the disbursement of a paper check under certain conditions that expired December 31, 2008; amends

KRS 61.645 to clarify who is eligible to vote in trustee elections and to specify that a current or former systems employee cannot be a trustee of the board; amends KRS 61.675 and 78.625 to clarify the date that agency reports and contributions are due at the system's office; amends KRS 61.701 to clarify federal tax code references and specific purposes of the health insurance trust; amends KRS 61.702 to require the employee contribution for retiree health benefits applicable to employees who begin participating in the systems on or after September 1, 2008, be placed in a 401(h) trust rather than the insurance trust fund, to clarify compliance with federal code requirements, and to clarify payments of health benefits to nonhazardous line of duty disability and death recipients; amends KRS 61.705 to allow payment of a \$5,000 death benefit to a licensed funeral home and to make technical amendments; amends KRS 16.645 and 78.545 to conform; and repeals KRS 61.626 relating to transfer of contributions of a member the systems cannot locate.

### **HB 423**

AN ACT relating to the budget of the Commonwealth.

Amends KRS 48.010 to add definitions for "biennial highway construction plan," "consensus forecasting group," "enacted estimates," "revenue shortfall," "surplus," and "six (6) year road plan"; amends the definition of "branch budget bill"; amends KRS 48.110 to set forth requirements for submission of a budget recommendation by the branches of government and to require a separate submission for the Transportation Cabinet that includes a separate biennial highway construction plan and 6-year road plan; amends KRS 48.115 to clarify language and provide that the budget reduction plan or surplus expenditure plan may be implemented only upon the issuance of an official revenue estimate from the consensus forecasting group or upon a revenue shortfall or surplus at the close of a fiscal year, as determined by the state budget director; amends KRS 48.120 to set forth provisions relating to the planning report and to clarify language; provides that the revenue estimate used in the enacted budget shall be the official revenue estimate until revised by the consensus forecasting group; amends KRS 48.130 to clarify language and to provide that any official revenue estimate issued by the consensus forecasting group reflecting a projected or actual reduction in general fund or road fund receipts in excess of 5 percent shall require further action by the General Assembly; amends KRS 48.140 to clarify provisions relating to the surplus expenditure plan; amends KRS 48.400, 48.150, and 48.210 to clarify language; amends KRS 48.300 to require the General Assembly to enact a separate budget for the Transportation Cabinet, to enact a separate biennial highway construction plan, and to adopt the 6-year road plan as a joint resolution; amends KRS 48.050, 56.800, 48.111, 48.315, 48.400, 48.500, 48.600, 48.620, 48.700, 48.705, 48.710, 176.010, 176.430, 176.440, 176.525, 11.068, 11.250, 18A.1132, 41.010, 42.409, 42.500, 43.050, 45.0005, 45.760, 45.793, 45.818, 56.440, 56.800, 56.803, 56.814, 56.822, 56.823, 56.8605, 131.585, 148.810, 175.780, 177.250, 224.43-505, and 446.010 to conform; and repeals KRS 45.245, 45.246, 48.117, 176.419, and 176.420.

### **HB 429**

AN ACT relating to sales and use tax.

Repeals and reenacts KRS 139.570 to cap the vendor compensation at \$1,500 per reporting period.



## **HB 444**

AN ACT relating to deferred deposit transactions.

Amends KRS 286.9-010 to define terms relating to deferred deposit service transactions and to authorize creation of a database; amends KRS 286.9-070 to revise the application licensing requirements for a license to engage in the business of cashing checks or deferred deposit transactions; amends KRS 286.9-080 to revise license renewal requirements for a license to engage in the business of cashing checks or deferred deposit transactions; deletes the prohibition on transfer or assignment of a license; amends KRS 286.9-100 to require disclosure in writing of any fee charged for entering into a deferred deposit transaction (to be deemed a service fee and not interest) but provide that the fee imposed in Section 8 of this Act for database access shall not be deemed a service fee; substitutes the term "payment instrument" for "check, draft, or money order," and for enforcement purposes substitutes the prosecutor or county law enforcement authority for the Commonwealth's attorney; provides that a licensee shall not have more than two, rather than one, deferred deposit transactions with a customer at any one time, and the face amount of the transactions shall not exceed \$500; clarifies that a licensee shall not enter into a deferred deposit transaction with a customer whose total transaction proceeds equal or exceed \$500 and requires verification; prohibits licensees from entering into a deferred deposit transaction with a customer who has two open transactions and requires verification via the licensee's own database or the state's database established by this Act, if operational; amends KRS 286.9-110 to increase the actions the executive director of a financial institution may take against a license and to increase the grounds for such actions against a license; provides that license denial shall prevent licensing for 1 year and provides that license revocation shall result in licensing ineligibility for 3 years unless revoked twice, which shall be deemed permanent revocation of the license; provides that surrender or expiration of a license does not affect civil or criminal liability nor impair obligations under preexisting contracts; authorizes the executive director of a financial institution to notify the Department of Revenue to institute an action for the recovery of any penalty, fine, cost, or fee assessed under Subtitle 9 of KRS Chapter 286; authorizes the executive director of a financial institution to seek a temporary restraining order or injunction against any person who has violated or is about to violate Subtitle 9 of KRS Chapter 286, gives that the court jurisdiction over the proceeding, and authorizes the court to assess a penalty as set forth in this Act; amends KRS 286.9-040 to increase the amount of the required irrevocable letter of credit for applicants with 21 or more business locations on a graduated scale; allows deposit of a corporate surety bond; requires the instruments to be made payable to the executive director and be subject to suit within 3 years of the act for which recovery is sought; creates a new section of Subtitle 9 of KRS Chapter 286 to provide that a deferred deposit transaction made by a person who is not licensed is void and to authorize the executive director to void a transaction that is in violation of Subtitle 9 of KRS Chapter 286; creates a new section of Subtitle 9 of KRS Chapter 286 to require the executive director of a financial institution to establish a database for deferred deposit service business licensees by July 1, 2010, unless financially impracticable; establishes a \$1 fee per transaction for data required to be submitted for each transaction and permits the \$1 fee to be charged to the customer; specifies who may operate the database and the requirements for the database; requires a licensee who ceases the business of deferred deposit transactions to report to the database provider and to submit a plan for updating the database on outstanding transactions, subject to review by the executive director; requires licensees to access the database, if implemented, to verify a customer's eligibility for a transaction; requires the executive director to send written

notice to licensees that the database has been implemented and the exact date the database will be operational; requires the executive director to enforce the requirements for use of the database 90 days after the database is implemented; authorizes the executive director to determine by rule or order the data to be maintained, archived, and deleted; authorizes the executive director to utilize the database to administer and enforce Subtitle 9 of KRS Chapter 286; creates a new section of Subtitle 9 of KRS Chapter 286 to authorize the executive director to levy civil penalties for violation of Subtitle 9 of KRS Chapter 286 in an amount of \$1,000 to \$5,000 per violation, plus costs and expenses; creates a new section of Subtitle 9 of KRS Chapter 286 to authorize the executive director to enter a consent order to resolve any matter arising under Subtitle 9 of KRS Chapter 286; creates a new section of Subtitle 9 of KRS Chapter 286 to authorize the executive director, upon request of the affected person or licensee, to stay, suspend, or postpone an order; creates a new section of Subtitle 9 of KRS Chapter 286 to require every licensee to comply with all applicable federal and state laws, in addition to Subtitle 9 of KRS Chapter 286; creates a new section of Subtitle 9 of KRS Chapter 286 to require every licensee who is required to register with the United States Treasury Financial Crimes Enforcement Network to report to the executive director as required under the Federal Bank Secrecy Act; creates a new section of Subtitle 9 of KRS Chapter 286 to require each licensee to maintain an agent for service of process; creates a new section of Subtitle 9 of KRS Chapter 286 to establish licensee recordkeeping requirements; creates a new section of KRS Chapter 286 to authorize the executive director to enter emergency orders affecting a licensee if the licensee has engaged in unsafe, unsound, or illegal practices that pose an imminent threat to the public interest; specifies the grounds for an emergency order; amends KRS 286.9-104 to require licensees to file reports by March 1, rather than by September 1, of each year and to include specified information; amends KRS 286.9-120 to authorize the executive director to file an administrative complaint against any person if sufficient grounds exist that a potential or actual violation of this subtitle may be violated, subject to administrative hearing in compliance with KRS Chapter 13B; amends KRS 286.9-090 to authorize the executive director to adopt reasonable administrative regulations relating to the records and documents of every check cashing and deferred deposit service business license; provides that the maintained records are subject to examination by the executive director without notice; provides that such records are not subject to the Kentucky Open Records Act, unless ordered by a court of competent jurisdiction; authorizes the executive director to share information with other state, federal, and international regulatory agencies and with other local, state, federal, and international law enforcement authorities; amends KRS 286.9-075, 286.9-030, and 286.9-102 to conform; creates a new section of Subtitle 9 of KRS Chapter 286 to prohibit the executive director from issuing new licenses for a period of 10 years after July 1, 2009; amends KRS 286.9-990 to provide that intentionally engaging in the check cashing or deferred deposit service business without a license shall be a Class D felony and each transaction constitutes a separate offense; provides that any person who intentionally violates relevant sections of Subtitle 9 of KRS Chapter 286, or regulations promulgated pursuant thereto, shall be guilty of a Class A misdemeanor; and provides that all provisions of this Act shall take effect on January 1, 2010, except that the database for deferred deposit service business may be created at any time before July 1, 2010.

### **HB 445**

AN ACT relating to deductibles for food spoilage resulting from a declared federal disaster and declaring an emergency.

Amends KRS 304.12-100 to allow an insurer to waive a deductible, in whole or in part, for an insured who experiences food spoilage as the result of a natural disaster in a county declared to be a federal disaster area; EMERGENCY.

### **HB 452**

AN ACT relating to mining around oil and gas wells.

Creates a new section of KRS Chapter 352 to provide that maps and plans required by the chapter be submitted using NAD 83, with Single Zone Projection; creates a new section of KRS Chapter 353 to declare public policy with regard to safety and mineral resource development; creates a new section of KRS Chapter 353 to require well operators to submit plats to the division when drilling through workable coal beds; specifies the allowable distances within which wells may be drilled under permit requirements; creates a new section of KRS Chapter 353 to provide that well operators perform directional surveys when drilling through workable coal beds; specifies when remediation is needed to bring violations of allowable drilling distances into compliance; provides for exceptions to when remediation is required; creates a new section of KRS Chapter 353 to require a directional survey to be performed by the well operator at the request of the coal operator; creates a new section of KRS Chapter 353 to require operators to submit directional or inclination surveys performed to the division; creates a new section of KRS Chapter 353 to make special requirements for well operators to mark gathering lines on terrain with a slope greater than 20 degrees; requires the division to make gathering line information available on its Web site; requires the division to adequately staff positions to fulfill its duties under the section; creates a new section of KRS Chapter 353 to limit impairment or diminution of correlative rights; amends KRS 349.040 to conform; amends KRS 350.010 to define "NAD 83" and "single zone projection"; amends KRS 350.060 to specify mapping requirements for permit applications; amends KRS 352.010 to define "NAD 83" and "single zone projection"; amends KRS 352.510 to change setback provisions for coal mining near oil or gas wells from 500 feet to 300 feet; and amends KRS 353.010 to define "active mining area," "directional survey," "inclination survey," "NAD 83," "single zone projection," and "true vertical."

### **HB 462**

AN ACT relating to grain.

Amends KRS 251.430 to allow license fees to be used to carry out the provisions of the chapter; amends KRS 251.451 to allow a warehouseman to use a warehouse receipt for temporary surety until permanent surety is issued; amends KRS 251.640 to increase the grain insurance fund cap from \$4 million to \$10 million, the minimum floor from \$3 million to \$8 million; requires that grain assessments not begin unless the fund falls below \$3 million; amends KRS 251.642 to conform; amends KRS 251.660 to remove the cap of \$1.5 million for funding unpaid claims; amends KRS 251.670 to increase the cap for paying claimants resulting from the failure of a licensed grain dealer from \$100,000 to \$200,000; amends KRS 251.720 to remove the cap of \$100,000 for the bonding requirements of a licensed grain dealer; increases the minimum letter of credit requirement for an incidental grain dealer from \$1,000 to \$5,000;

amends KRS 251.990 to allow fines and penalties collected by the department to be used to carry out the provisions of the chapter; and makes technical corrections.

#### **HB 472**

AN ACT relating to the regulation of horse racing in Kentucky.

Amends KRS 230.210 to define “advance deposit account wagering,” “secondary pari-mutuel organization,” and “advance deposit account wagering licensee”; amends KRS 230.240 to require employment of three stewards at a thoroughbred race meeting and three judges at a standardbred race meeting; establishes stewards’ and judges’ employer and source of compensation; amends KRS 230.260 to grant the authority jurisdiction over a secondary pari-mutuel organization (SPMO), totalisator company, drug or medication supplier or wholesaler, and horse training centers that record official timed workouts; permits the authority to impose a license fee on an SPMO not to exceed \$10,000 annually; requires licensure applicants to submit to a background check and to reimburse the authority for its cost; permits the authority to investigate and have free access to any licensee, or any person owning a horse or performing services regulated by this chapter on a horse registered to participate in a breeders incentive fund; permits the authority to grant, refuse, revoke, or suspend a license for violation of federal or state statute; permits the authority to issue subpoenas for documents, records, papers, books, devices, and all other instrumentalities related to pari-mutuel racing; amends KRS 230.265 to direct the allocation of pari-mutuel tax collected; amends KRS 230.290 to permit expiration of license on last day of birth month; amends KRS 230.300 to prescribe licensure requirements; exempts a background check for any individual who is a “principal” but holds stock or financial interest in the applicant of less than 10 percent; amends KRS 230.320 to establish procedures for appealing a disciplinary action; gives jurisdiction for appeals to the Circuit Court of the county in which the cause of action arose; amends KRS 230.3615 to reduce the minimum wager accepted by any licensed association from \$1 to 10 cents; amends KRS 230.990 and 355.9-408 to conform; and amends KRS 230.775 to remove the requirement that no more than four hubs shall be licensed in the Commonwealth at one time.

#### **HB 480**

AN ACT relating to loan forgiveness and declaring an emergency.

Amends KRS 164.769 to require the Kentucky Higher Education Assistance Authority to give priority in the use of teacher scholarship program funds for loan forgiveness to teachers who have outstanding loan balance eligibility for Best in Class loans issued prior to June 30, 2008; creates a new section of KRS Chapter 164 to define eligible participants as those individuals who have outstanding loan balance eligibility for Best in Class for Teachers, Best in Care for Nurses, and Best in Law for Public Service Attorneys loan forgiveness programs established by the Higher Education Assistance Authority under its authority in KRS 164.744(2) and 164.748(7); establishes an option for participants to negotiate an extended repayment schedule consistent with federal requirements if there are insufficient funds for loan forgiveness; and urges the Governor to encourage the Congressional delegation to provide American Recovery and Reinvestment Act or other federal funds to assist the Kentucky Higher Education Assistance Authority in providing loan forgiveness to eligible program participants; EMERGENCY.

**HB 485**

AN ACT relating to pesticides.

Amends KRS 217.570 to increase the annual fee for registering pesticides from \$125 to \$250; removes the caps on the amount of funds that can be spent on programs funded by the fees; and makes technical corrections.

**HB 489**

AN ACT relating to child medical support.

Amends KRS 403.211 to require the court to determine if health care insurance coverage is accessible and reasonable in cost; requires the court to determine if medical support for the child is available; defines “accessible,” “reasonable in cost,” and “cash medical support”; requires the court to order the parent to obtain or maintain health insurance coverage if accessible and reasonable in cost; requires the court to order cash medical support if health insurance coverage is not accessible and reasonable in cost; and changes the “noncustodial parent” to “obligated parent.”

**HB 536**

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

Amends KRS 177.317 to require that the Transportation Cabinet to allow partial control of access on the Hal Rogers Parkway between the junction with KY 192 and the junction with KY 80; amends 2008 Kentucky Acts Chapter 127, the state/executive branch budget, to increase the Transportation Cabinet’s debt service budget unit’s appropriation; authorizes \$400 million in road bonds; reduces the Transportation Cabinet’s highway budget unit’s appropriations to conform; provides for the conveyance of Transportation Cabinet property; makes a technical correction; reauthorizes two Transportation Cabinet capital projects; creates a new road fund budget reduction plan for fiscal year 2009; and amends the road fund budget reduction plan for fiscal year 2010; EMERGENCY.

**HB 541**

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

Amends KRS 38.030 to permit the governor to authorize active-duty pay for National Guard members injured during the 2009 winter storm; requires payments to be made until the National Guard member is released by a medical authority; and requires payments to be reduced by the amount of workers’ compensation and other benefits received; EMERGENCY.

**HJR 29**

Directs the Transportation Cabinet to designate the bridge on Kentucky Route 2 over the Little Sandy River in Greenup County as the “Specialist Jeremy R. Gullett Memorial Bridge” and erect appropriate signs.

**HJR 52**

Directs the Cabinet for Health and Family Services to estimate the cost of care for a Kentucky Medicaid dialysis patient and encourages insurers to honor the commitment to policyholders for continuity of care; requires the cabinet to make the analysis public by

December 31, 2009; encourages health insurers to honor the long-standing commitment to their policyholders to ensure continuity of kidney health care, irrespective of where they fall during their benefits period; expresses the necessity for the interested private parties to reach a resolution resulting in lasting protections for Kentuckians on dialysis; and expresses the potential need for legislative review if the private parties do not resolve issues relating to the cost of care.

**HCR 85**

Expresses the commitment of the General Assembly to the continued state regulation of the business of insurance and opposition to the federal regulation of the business of insurance.

**HJR 105**

Provides that this resolution in conjunction with 2008 RS HB 330 shall constitute the 6-year road plan; and sets out the 2010-2014 road plan.

**HCR 106**

Urges the United States Food and Drug Administration to delay the implementation of its final rule amending 21 C.F.R. 589 for a minimum of 6 months in order to reexamine the issue of carcass disposal and give states time to create disposal systems that meet the needs of producers, processors, renderers, and the general public.

## Senate and House Simple Resolutions

### SR 180

Confirms the appointment of Patrick M. Henderson to the Agricultural Development Board.

### SR 181

Confirms the reappointment of James R. Mahan to the Agricultural Development Board.

### SR 182

Confirms the appointment of Benjamin Samuel “Sam” Lawson to the Agricultural Development Board.

### SR 183

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

### SR 184

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

### SR 185

Confirms the appointment of Cathy Lynn Gunn to the Education Professional Standards Board.

### SR 186

Confirms the appointment of Gregory E. Ross to the Education Professional Standards Board.

### SR 187

Confirms the appointment of James G. Hughley to the Education Professional Standards Board.

### SR 188

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

### SR 189

Confirms the appointment of Sandy Sinclair-Curry to the Education Professional Standards Board.

### SR 190

Confirms the reappointment of Lonnie R. Anderson to the Education Professional Standards Board.

### SR 191

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

**SR 192**

Confirms the gubernatorial appointment of Pam Miller to the Council on Postsecondary Education.

**SR 193**

Confirms the gubernatorial appointment of Paul Patton to the Council on Postsecondary Education.

**SR 194**

Confirms the appointment of Austin W. Moss to the Kentucky Board of Education.

**SR 195**

Confirms the appointment of Dorothy Z. Combs to the Kentucky Board of Education.

**SR 196**

Confirms the appointment of Billy Harper to the Kentucky Board of Education.

**SR 197**

Confirms the appointment of Brigitte B. Ramsey to the Kentucky Board of Education.

**SR 198**

Confirms the gubernatorial appointment of Sandra T. Higgins-Stinson to the Governor's Postsecondary Education Nominating Committee.

**SR 199**

Confirms the appointment of Bhupendra Parekh, Ph.D., to the Long-Term Policy Research Board for a term expiring October 6, 2012.

**SR 200**

Confirms the reappointment of Yvette Smith to the Long-Term Policy Research Board for a term expiring October 6, 2012.

**SR 201**

Confirms the reappointment of Denise Moore Davidson to the Mine Safety Review Commission.

**SR 202**

Confirms the appointment of Caroline W. Mudd as a member of the Kentucky Parole Board.

**SR 203**

Confirms the appointment of Joseph W. Justice as an administrative law judge in the Office of Workers' Claims.



**SR 204**

Confirms the appointment of Otto Daniel Wolff as an administrative law judge in the Office of Workers' Claims.

**SR 205**

Confirms the reappointment of Richard Martin Joiner as an administrative law judge in the Office of Workers' Claims.

**SR 206**

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

**SR 207**

Confirms the appointment of Caroline Pitt Clark as an administrative law judge in the Office of Workers' Claims.

**SR 208**

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

**SR 209**

Confirms the appointment of Rosemary F. Center as a member of the Kentucky Registry of Election Finance for a term expiring August 15, 2011.

**SR 210**

Confirms the appointment of Teresa L. Naydan as a member of the Kentucky Registry of Election Finance for a term expiring August 15, 2012.

**SR 211**

Confirms the appointment of Craig Christman Dilger as a member of the Kentucky Registry of Election Finance for a term expiring August 15, 2012.

**SR 212**

Confirms the appointment of William E. Summers V to the Kentucky Housing Corporation Board of Directors for a term expiring June 16, 2012, and to serve as chair of the board.

**SR 213**

Confirms the appointment of Stacey C. Epperson to the Kentucky Housing Corporation Board of Directors for a term expiring June 16, 2012.

**SR 214**

Confirms the reappointment of Gail Melvin to the Kentucky Housing Corporation Board of Directors for a term expiring October 30, 2012.

**SR 215**

Confirms the reappointment of Porter G. Peebles, Sr., to the Kentucky Housing Corporation Board of Directors for a term expiring October 30, 2012.

**SR 216**

Confirms the appointment of William A. Hayes to the Kentucky Board of Tax Appeals.

**SR 217**

Confirms the appointment of Lanola Parsons to the Kentucky Board of Tax Appeals.

**SR 218**

Confirms the appointment of John T. Dunaway to the Personnel Board.

**SR 219**

Confirms the appointment of Larry J. O'Bryan to the Kentucky Lottery Corporation Board of Directors.

**SR 220**

Confirms the appointment of James W. Gardner as commissioner and vice chair of the Public Service Commission.

**SR 221**

Confirms the appointment of David L. Armstrong as commissioner of the Public Service Commission.

**SR 222**

Confirms the appointment of Sharon P. Clark as commissioner of the Department of Insurance.

**SR 223**

Confirms the appointment of June G. Hudson to the Kentucky Lottery Corporation Board of Directors.

**SR 224**

Confirms the appointment of Joe F. Childers to the Mine Safety Review Commission.

**SR 225**

Confirms the gubernatorial appointment of John W. Ridley to the Governor's Postsecondary Education Nominating Committee.

**HR 46**

Confirms the gubernatorial appointment of Paul Patton to the Council on Postsecondary Education.

**HR 47**

Confirms the gubernatorial appointment of Pam Miller to the Council on Postsecondary Education.

**HR 48**

Confirms the appointment of Gregory E. Ross to the Education Professional Standards Board.

**HR 49**

Confirms the gubernatorial appointment of Sandra T. Higgins-Stinson to the Governor's Postsecondary Education Nominating Committee.

**HR 50**

Confirms the appointment of Cathy Lynn Gunn to the Education Professional Standards Board.

**HR 53**

Confirms the appointment of Sandy Sinclair-Curry to the Education Professional Standards Board.

**HR 54**

Confirms the reappointment of Lonnie R. Anderson to the Education Professional Standards Board.

**HR 60**

Confirms the appointment of Dorothy "Dori" Z. Combs to the Kentucky Board of Education.

**HR 61**

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

**HR 63**

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

**HR 64**

Confirms the appointment of Austin W. Moss to the Kentucky Board of Education.

**HR 65**

Confirms the appointment of Brigitte B. Ramsey to the Kentucky Board of Education.

**HR 71**

Confirms the gubernatorial appointment of John W. Ridley to the Governor's Postsecondary Education Nominating Committee.

**HR 72**

Confirms the appointment of Billy Harper to the Kentucky Board of Education.

**HR 73**

Confirms the appointment of James G. Hughley to the Education Professional Standards Board.

**HR 101**

Confirms the appointment of Patrick M. Henderson to the Agricultural Development Board.

**HR 102**

Confirms the reappointment of James R. Mahan to the Agricultural Development Board.

**HR 103**

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

**HR 123**

Confirms the appointment of Joe F. Childers to the Mine Safety Review Commission.

**HR 153**

Confirms the reappointment of Yvette Smith to the Long-Term Policy Research Board for a term expiring October 6, 2012.

**HR 155**

Confirms the appointment of Bhupendra Parekh, Ph.D., to the Long-Term Policy Research Board for a term expiring October 6, 2012.

**HR 162**

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

**HR 163**

Confirms the appointment of Benjamin Samuel "Sam" Lawson to the Agricultural Development Board.

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Law Judge, Edward D. Hays - SR 206  
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**Agricultural**

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Development Board, Sam Lawson - SR 182, HR 163  
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Development Board, Troy Rankin - SR 184, HR 162  
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**Commissioner of Insurance, Sharon P. Clark - SR 222****Council**

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on Postsecondary Education, Paul Patton - SR 193, HR 46

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Board of Tax Appeals, William A. Hayes - SR 216  
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Housing Corporation Board, Stacy C. Epperson - SR 213  
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