

Updates from the Capitol: Part II
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Energy and Environmental Law Issues in the 2026 General Assembly

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I. Bills and resolutions that became law.

[HB 111](#) (Bivens) will allow the determination and implementation of any “on-farm animal health care” or “animal health production practice” to be made solely by a farmer or livestock owner, notwithstanding other provisions of law to the contrary. Consultation with a veterinarian is discretionary. The bill does not apply to equine operations and states it shall not be construed to limit, preclude, or otherwise restrict any state or federal official from carrying out his or her official duties.

[HB 142](#) (Pollock)(Vetoed, veto overridden, became law) Requires the Kentucky Department of Fish and Wildlife Resources to issue a minimum of 5 deer destruction permits to any landowner, spouse, dependent child, or designee whose lands or personal property have been damaged.

[HB 281](#) (Duvall and others) exempts from licensing requirements and civil and criminal liability arising from their activities a charitable food donor, i.e. a nonprofit or religious organization that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code and a home-based processor which produces food for distribution to a homeless shelter or to individuals displaced due to a declared natural disaster.

[HB 311](#) (Calloway and others) will require railroad companies to destroy or remove obstructive vegetation at intersections with public roads or highways.

[HB 313](#) (Bivins, White) will reduce the time for a city to provide for the sale of a new utility franchise prior to the expiration of an existing franchise from eighteen (18) months to six (6) months. Utility franchises authorize private utilities to use public rights-of-way to provide essential services and are a key tool for local governments to evaluate performance, solicit proposals, negotiate terms, and ensure public input.

[HB 333](#) (Pollock) will allow affordable housing developed by a religious developer to be considered a permitted use and not subject to permitting, review, or other land-use regulations under KRS Chapter 100, subject only to limited, ministerial review by a planning unit.

[HB 398](#) (Williams) will amend KRS 278.264, a law creating a rebuttable presumption against the retirement of a fossil fuel-fired electric generating unit, to provide that the Public Service Commission (PSC) has the authority to approve a utility's recovery of decommissioning, removal, salvage, and remaining depreciation costs through rates, even before a plant's retirement is approved.

- Kentucky lawmakers enacted two new laws – Kentucky Senate Bill 4 in 2023 and Senate Bill 349 in 2024 – making it more difficult to retire fossil fuel-fired power plants and preventing the use of most renewables for replacement capacity.
- Under SB 4, Kentucky's PSC-regulated electric utilities must seek approval from the PSC to retire any fossil fuel-fired electric generating unit (EGU) and there is now a "rebuttable presumption" against retiring such units.
- Since 2023, after Senate Bill 4, the PSC has been denying utility recovery of terminal net salvage costs for future decommissionings as being inconsistent with the language of Section 2 of SB 4. This denial has helped mitigate the impact of rate increase requests.
- HB 398 allows utilities to seek approval to recover decommissioning, removal, salvage, and depreciation costs *before* a generating unit is authorized for retirement under SB 4. It protects utilities from stranded costs by allowing advance cost recovery over the unit's depreciable life, shifting that risk to ratepayers.
- The bill reverses the effect of the current language in Senate Bill 4 that the PSC "shall not...authorize a surcharge for the decommissioning of [a]unit, or take any other action which authorizes or allows for the recovery of costs for the retirement of an electric generating unit."

[HB 456](#) (Freeland) will remove the exclusion of mineral proceeds (lease or royalty payments for mineral extraction and leases) from Kentucky's unclaimed property program. The unclaimed property program establishes when intangible property is presumed abandoned, requiring holders to conduct due diligence, and mandating the reporting and remittance of unclaimed property to the State Treasurer for safeguarding and eventual return to rightful owners. This proposal would also designate an "Unclaimed Property Week."

[HB 506](#) (Hale) will revise KRS Chapter 150 and related statutes by adjusting funding sources and salary structures for Department of Fish and Wildlife Resources law enforcement, expanding jurisdiction and enforcement tools, updating wildlife definitions and seizure authority, modifying hunting and take regulations, increasing fines and restitution for violations, and making administrative and technical corrections.

[HB 542](#) (Dossett) amends current laws regarding condemnation where conservation easements or agricultural districts are involved.

- Requires condemners to justify takings of property subject to conservation easements or located in agricultural districts by demonstrating the lack of feasible alternative locations.
- It prohibits misleading or coercive negotiation practices.
- Establishes timelines for independent appraisals before a condemnation action may be filed and imposes penalties for violations.
- Expands notice, survey, and transparency requirements, ensures access during partial takings.
- Section 4(4) requires notification to the landowner prior to entry for purposes of surveying and directs that information be given to the landowner that may not be available at the time that an entity is wanting to survey property. Since the purpose of the survey is to determine the location of the easement among different possibilities within or among different properties, general information could be provided, but a lot of the detail such as maps and construction plans simply will not be available at that time.
- Left for another day is the question of whether current law, which allows a party who has not been found to **have** the power and right to condemn by a court, to enter onto someone else's property without their consent, and committing a trespass in order to survey. Is that a taking?

[HB 571](#) (Holloway and others) will require the Transportation Cabinet to fully shield outdoor lights encroaching on agricultural land and require that any new outdoor light fixtures installed after the bill's effective date be fully shielded to prevent light spillover. The bill establishes a complaint process for affected landowners and provides civil liability immunity to the Cabinet if the light is fully shielded within ten (10) days of a written complaint. A temporary exemption applies to lighting used for highway construction or maintenance projects for up to thirty (30) days.

[HB 607](#) (Lewis and others) enacted over a veto, makes multiple changes to statutes governing consolidated local governments, including:

- revising local ethics commission composition and legal counsel authority
- placing new controls on council district formation and redistricting;
- allowing the consolidated local government council to override certain local health and solid waste regulations within forty-five (45) days;
- authorizing additional legal counsel for the council and political caucuses;
- requiring the creation of an internal audit office;
- modifying city incorporation thresholds and petition requirements within consolidated government boundaries;
- allowing property tax subclassification with new controls on tax rate calculations and homestead exemption application.
- [Here](#) is the Governor's veto message on HB 607.

[HB 647](#) (McPherson, Petrie) extends the sunset date for the GRANT (Government Resources Accelerating Needed Transformation Program) program.

[HB 651](#) (Bray and Petrie) amends eligibility requirements for funding recipients for the Kentucky Water and Wastewater Assistance for Troubled or Economically Restrained Systems (WWATERS) Program.

[HB 677](#) (Gooch) creates a comprehensive statutory framework within KRS Chapter 353 to govern the permitting, operation, financial responsibility, long-term stewardship, and oversight of geologic carbon dioxide sequestration facilities in Kentucky.

- Establishes detailed requirements for obtaining and maintaining a Class VI underground injection control permit including requirements

for a complete application, notice and comment procedures, technical review, financial assurance mechanisms, and grounds for permit denial or restoration of eligibility.

- Requires operators, as part of permit eligibility, to demonstrate and annually maintain financial responsibility sufficient to cover monitoring, well integrity, emergency and remedial response, and post-injection site care and facility closure, with qualifying financial instruments defined by statute and subject to regulatory refinement by the Energy and Environment Cabinet.
- Creates both an administrative fund and a trust fund, supported by application fees and per-ton sequestration fees, to ensure long-term oversight and stewardship.
- Establishes procedures for owners of the pore space to consent and pooling orders.
- Sets out requirements for plugging and abandonment, authorizes cooperative agreements.
- Provides for the transfer of ownership to the Commonwealth after a defined post-injection monitoring period, generally 50 years or another period designated by the Cabinet, upon demonstration of compliance and subject to public notice and hearing.
- Repeals prior geologic storage statutes and replaces them with this modernized and comprehensive regulatory structure.

The bill was developed by the Oil and Gas Working Group, a collaborative process. KRC was represented by Tom FitzGerald.

Bill was amended to include provisions revising the laws governing the siting and construction of “merchant” power plants (KRS 278.700-718) to provide these changes:

- New decommissioning requirements to better protect landowners. Property owner at the time of decommissioning decides whether any below-ground structures and conduit can remain, otherwise it all must be removed – a change from current law allows anything below 3 feet to stay.
- Current landowner at the time of decommissioning who can request interconnection facilities must be removed.
- Disallows reductions in bond amounts for salvage value. The projected salvage value of equipment can no longer be used to offset bonds, but any salvage value actually recovered can stay with the generator.

- New setback requirements from property lines and individual residences (rather than merely neighborhoods) for utility-constructed solar and wind projects. Existing law imposes a 2,000-foot setback from residential neighborhoods, schools, hospitals, or nursing homes for structures used for generation will now include structures or facilities used “in connection with” the generation.
- For PSC-regulated utilities, but not merchant plants, the final bill adds a new 1,000-foot setback to the property line for structures used for solar and wind generation for the purpose of site compatibility determinations.
- For merchant facilities, the bill as passed also includes a provision imposing a height limit on wind turbines of 350 feet, from natural slope to the turbine hub. While the average height of turbines currently is 339 feet, turbine towers are becoming taller to capture more energy, with new heights typically ranging from 200 to 400 feet. The proposed wind energy project in Henderson County includes plans for turbines reaching nearly 700 feet tall, according to [local news](#) outlets. If local zoning ordinances have different height restrictions for turbines, the board can't waive them. Wind turbines are not to be lighted other than as required by law and are to be sited to minimize flicker or shadow effect through siting and mitigation.
- Local governments cannot legislate a lower minimum decommissioning bond than established in law.
- HB 869 undid several changes that HB 677 had made to the siting statutes.

[HB 757](#) (Petrie) amends numerous provisions of Kentucky tax and local government law, including changes to sales and excise taxes, tax incentives, revenue administration, and school district taxing authority. Of particular note, the bill:

- Prohibits school districts from newly imposing or increasing a utility gross receipts license tax after January 1, 2026
- Increases lobbyist employer registration fees.
- Creates a new category of “municipal interlocal gas utility,” defined as “an interlocal agency whose membership is only composed of city governments formed for the purpose of constructing and operating a system that is capable of acquiring, distributing, transmitting, furnishing, or selling natural gas to a federal military installation and other customers.”

- Exempts these entities from the definition of “utility,” classifying them as special purpose governmental entities, requiring them to pay an annual fee to the Department for Local Government, and authorizing them to acquire and extend natural gas systems beyond municipal boundaries.
- Intended to support the efforts of two western Kentucky cities that formed the Pennyryle Regional Energy Agency in order to construct and operate a natural gas pipeline through several Kentucky counties primarily to serve Fort Campbell.
 - The agency had sought a declaratory order from the Public Service Commission that it was not a “utility” subject to PSC regulation for rates and service, and the PSC ruled that it *was*, resulting in a circuit court appeal that is pending. This bill exempts the agency from PSC jurisdiction and creates a governing board for the agency with representation from affected counties.
 - Allows the new agency to service residential customers from the pipeline but does not assure that those customers be guaranteed service that is dependable and reliable. The bill allows residential customers to be directly served by the agency “[a]s provided in KRS 278.485, in which case the natural gas utility service shall be furnished at rates and minimum monthly charges as determined by the Public Service Commission as required by KRS 278.485(1)[.]” By its terms, KRS 278.485 only applies to gas wells and gas gathering lines rather than pipelines such as what is being proposed by the Pennyryle Agency. The reference could be read either to *make* the landowners within 1/2 mile of the pipeline eligible for “farm tap” service or could be read simply to make KRS 278.485 applicable *if* the agency ever owns a gas well or gathering line.
 - Rates charged under KRS 278.485 are subject to PSC review, but unlike regular gas utility customers, property owners within 1/2 mile of a natural gas well or gathering line have the right to a tap a well or gathering line for service but no right to reliable supply of gas. The unintended effect of making KRS 278.485 applicable to the Pennyryle Regional Energy Agency pipeline, which is primarily intended to serve Fort Campbell, is that the General Assembly may have granted the right of any landowner along the proposed pipeline route to demand access to gas service from the pipeline even though the Agency may not desire to provide such service.

- The Governor had vetoed the language concerning the erection of a statue of Mitch McConnell in the Capitol Rotunda, citing the legislature’s previously announced policy of not honoring living individuals. To read the veto message, click [here](#).

[HB 767](#) (Fugate) will require the Division of Emergency Management to institute the Kentucky Qualification System, a statewide framework for setting qualification procedures, certification programs, and credentialing standards for professionals involved in disaster and incident management. The system would apply to individuals serving on incident management teams and within emergency operations centers, ensuring consistent training, standards, and preparedness across the Commonwealth.

[HB 869](#) (Bowling and Petrie) an “Act relating to Fiscal Matters” was one of several bills enacted during the last day of the legislative session, containing numerous revisions to existing state laws relating to economic development and other legislative issues. Among the changes:

- A new requirement that public agencies announce meetings under the Open Meetings Act in both eastern and central time.
- A new tax credit for the manufacture of, and for sale by commercial airports, of “alternative jet fuel” derived from agricultural and other biomass and achieving at least 50% lifecycle reduction in greenhouse gas emissions over petroleum-based jet fuel.
- The revisions to HB 677, regarding the state merchant plant generation and transmission siting board statutes affecting solar, wind, and other merchant power plants.

[HB 900](#) (Petrie and others) appropriates \$400 million in General Fund money from the Budget Reserve Trust Fund for fiscal years 2026–2028 for water and sewer project pools, economic development investments, and smaller one-time local infrastructure projects and investments.

[HJR 81](#) (Bray and others) authorizes the Office of State Budget Director to release \$53,389,556 in previously appropriated General Fund moneys to the Kentucky Infrastructure Authority for the Kentucky Water and Wastewater Assistance for Troubled or Economically Restrained Systems Program and declares an emergency to make the release effective immediately. HB 651 & HJR 81 strengthens the WWATERS Program by expanding eligibility to better reach struggling water systems, particularly in rural communities, and by releasing \$53.4 million in previously allocated funds for immediate use

through the Kentucky Infrastructure Authority. Together, they represent a meaningful investment in critical water infrastructure, though continued attention is needed to ensure effective use of funds and to address ongoing water affordability challenges for households.

[HR 127](#) (Freeland) is a simple resolution endorsing the Ohio River Restoration Program Act, HR 5966, which has been introduced in Congress by Congressman McGarvey and others. The resolution recognizes the importance of the bill to the Commonwealth by protecting our drinking water supplies, strengthening the economy, and restoring the ecological health of the Ohio River Basin. Senate resolution passed; House did not.

[SB 5](#) (Howell) will allow a local school board or local school district participating in any of the United States Department of Agriculture Child Nutrition Programs to purchase Kentucky-grown agricultural products in accordance with federal law.

[SB 8](#) (Smith) will significantly restructure the Public Service Commission (PSC). The original bill at Section 2 would have designated the Attorney General as the sole representative of residential ratepayers, precluding any intervention by these and other groups representing the interests of residential customers. The Attorney General by existing law represents *all* consumers, so this would have prevented his effective representation of residential ratepayers when their interests in rates and service conflict with other classes of customers. The original Section 2 of SB 8 would have also raised the bar for intervention in PSC cases.

The final bill:

- Expands the Commission from three (3) to five (5) members appointed by the Governor.
- Broadens conflict-of-interest restrictions.
- Changes how cases are decided, with the chair of the Commission empowered to assign three commissioners to hear and decide a matter, with no more than two from the same political party or to assign all five commissioners to hear case.
- Provisions concerning the Pennyryle Regional Energy Agency, were added and later removed.
- The final bill did **not** include any changes to existing law regarding intervention in Commission proceedings, did not give the state auditor authority to appoint any of the Commissioners, and did not affect

existing law regarding when transmission line extensions require a certificate of need from the Commission.

[SB 11](#) (Meredith) will establish a rebate program, administered by the Division of Emergency Management of the Department of Military Affairs, to help residential homeowners offset the cost of constructing or installing a safe room in their primary residence for community use during weather-related emergencies, as long as the room is constructed to meet existing safety standards (ICC 500 and FEMA P-361).

[SB 19](#) will designate the indigo milk cap (*Lactarius indigo*) as Kentucky's official state mushroom.

[SB 29](#) (Elkins) will relieve a solid waste management facility from being subject to any assessment, fee, permitting requirement, or other authorization requirement imposed by another county or waste management district where the solid waste being managed was generated.

Under current law, solid waste management districts may assess fees on both solid waste management facilities operating within their borders, and on solid waste disposal facilities. KRS 68.178 allows for differential fee amounts or percentages where waste disposed of in a county originates from outside the county, to account for additional impacts associated with that waste on county infrastructure. The intent of the bill is to prevent imposition of fees, permitting requirements, or other authorization requirements by a county where the waste originated, on a solid waste management facility located outside of that county (so-called flow control).

The House Committee Substitute to SB 29 included the provisions of House Bill 108 and adopted language clarifying that any franchise agreement approved by a county government is not covered by SB 29. [House Floor Amendment 3](#) attached the core of House Bill 108 which would narrow the current exception from solid waste planning and consistency determinations for permitting for landfills that accept only industrial solid waste generated by the generator, another facility owned by the generator, or by a wholly owned subsidiary, to those landfills located on or adjacent to the property where the waste is generated.

[SB 39](#) (Boswell) will allow a resident landowner and other authorized persons to take fish from any lake or pond located on the owner's property without procuring a sport fishing license; exempt the resident landowner

and other authorized persons from certain statutory and regulatory limits and restrictions.

[SB 49](#) (Elkins) will implement a statewide ban on improper battery disposal, paired with a voluntary, industry-supported stewardship and education system overseen by the Cabinet, with the goal of reducing fire risks, protecting waste infrastructure, and encouraging safer battery recovery without mandating producer responsibility fees or consumer charges.

[SB 57](#) (Carroll) will expand Kentucky's nuclear energy development framework by:

- Creating a Nuclear Reactor Site Readiness Pilot Program to support and partially fund utilities' efforts to obtain federal permits and licenses for new nuclear power plants, with grants covering up to one-third of application costs capped at \$25 million for early-stage federal permitting activities.
- Establishing a dedicated fund for nuclear site readiness grants
- Significantly expanding the role, responsibilities, and membership of the Kentucky Nuclear Energy Development Authority to promote nuclear energy development, workforce preparation, and related economic activity across the Commonwealth.
- Allowing Public Service Commission-regulated electric utilities to seek recovery from ratepayers of costs of site permits and licenses from the Nuclear Regulatory Commission. Unclear how this syncs with obligations of utilities under IRPs and CPCNs.

[SB 100](#) (Mills) enacted over a veto, restructures the Energy Planning and Inventory Commission (EPIC):

- Administratively attaching it to the University of Kentucky Center for Applied Energy Research
- Granting EPIC broad operational independence, with authority over its own hiring, compensation, procurement, and contracting; requires it to maintain separate accounts.
- Limiting board membership to no more than two out-of-state members;
- Revising the executive committee to include two appointees from the Attorney General
- Granting the executive director full authority to act on behalf of the commission.

- Restructuring EPIC’s governance and creating a dedicated fund to support its activities.
- The final bill did **not** include the problematic language that had declared all documents generated by the Commission staff and members to be exempt from disclosure under the Kentucky Open Records Act.
- To read the Governor’s veto message, click [here](#).

[SB 155](#) (Carpenter) allows the Commissioner of Agriculture, in consultation with the state veterinarian, to declare an animal health emergency and exercise emergency powers to control communicable animal diseases, including imposing quarantines, waiving certain transportation requirements, establishing roadblocks, bypassing standard procurement rules, and requesting state, local, or federal emergency assistance.

[SB 172](#) (Wheeler) amends KRS 278.277 to authorize the Public Service Commission’s (PSC’s) during its review of a utility’s fuel adjustment clause and associated tariffs, to extend the recovery period for fuel adjustment costs to reduce volatility for consumers and encourage stability in rates.

[SB 199](#) (Howell and Richardson)(enacted over veto) amends Kentucky law so that an EPA-approved label for any pesticide product registered for agricultural use would be the limit of the manufacturer’s “duty to warn” users about risks, even where those labels are not required to include warnings about certain chronic or long-term health impacts, such as cancer. The bill is part of a broader national effort by pesticide manufacturers to shield themselves from liability for failure-to-warn at the state level, following ongoing litigation concerning glyphosate-containing pesticides and a case currently before the U.S. Supreme Court.

[SB 214](#) (Howell) authorizes the Department of Agriculture to accept nonfederal funds and grants from public or private sources to support its programs and includes an emergency clause. This bill was amended to include the substance of HB195, sponsored by Representative Kulkarni, creating the Kentucky Urban Youth Agriculture Initiative to promote farming and agribusiness among youth in urban counties, beginning with a pilot program in at least one University of Kentucky Extension Service office. The initiative teaches young Kentuckians about efficient land use and agriculture best practices in urban settings and aims to provide age-appropriate, hands-on education through experiential learning opportunities (e.g. formal internships and apprenticeships).

[SB 222](#) (Herron and Mills) amends existing law on environmental covenants that are recorded on lands that have been subject to remediation for hazardous releases. Amendments would allow removal of covenant conditions restricting land use where the Cabinet finds that such controls or restrictions are no longer needed as a result of the environmental corrective action plan.

[SJR 23](#) (Funke Frommeyer and others) declares Kentucky as a “Food is Medicine” state and direct agencies to advance Food is Medicine initiatives, which includes directing agencies to advance nutrition-based health initiatives as a core component of medical care and public health.

[SCR 66](#) (West and others) will encourage the University of Kentucky and the University of Louisville to participate in the U.S. Department of Energy’s Nuclear Energy University Program, expand academic programs to train a nuclear energy workforce, and collaborate with federal agencies to pursue nuclear-related research and grant funding.

[SR 192](#) (Webb and others) is a simple resolution endorsing the Ohio River Restoration Program Act, HR 5966, which has been introduced in Congress by Congressman McGarvey and others. The resolution recognizes the importance of the bill to the Commonwealth by protecting our drinking water supplies, strengthening the economy, and restoring the ecological health of the Ohio River Basin.

II. Bills and resolutions that did not become law.

[HB 60](#) (Hogsdon) would have prohibited atmospheric pollution by criminalizing, as a class D felony, “atmospheric pollution intervention,” which is the manipulation of Earth’s natural systems through activities including stratospheric aerosol injection, cloud seeding, solar radiation modification, or the intentional release of an atmospheric contaminant from an airborne source. Also SB 25.

[HB 103](#) (Hart & Hale) would have made water fluoridation programs optional and allow the governing bodies of water systems subject to regulation by the Cabinet for Health and Family Services to decide whether to participate in water fluoridation programs.

[HB 196](#) (Kulkarni) would have established a PFAS (per- and polyfluoroalkyl substances) working group and state-level requirements for reporting the manufacture of products for sale or distribution in the Commonwealth, as well as reporting of PFAS releases in the Commonwealth.

[HB 254](#) (Lawrence) would have amended Kentucky’s building code statutes to exempt temporary structures and portable shower or toilet units built by or for government entities from state and local building, plumbing, and residential codes for up to six months, with inspection and code compliance or removal required after that period unless a state or local emergency is declared. Additionally, the bill appeared to confer a categorical exemption based solely on the religious status of the developer – an exemption not extended to secular nonprofit organizations or other entities engaged in affordable housing development.

[HB 397](#) (Johnson) would have restricted the taking of large “trophy” catfish in Kentucky by defining trophy size thresholds for blue, flathead, and channel catfish, with higher thresholds in the Lower Ohio River.

[HB 494](#) (Roberts, Hodgson, Calloway) would have imposed a new requirement for all new regulations after 2031, and for all existing regulations as they expire (under current law that is after 7 years) starting in 2027, of being “ratified” by inclusion in omnibus legislation adopted by the General Assembly in the session following promulgation of the regulation. It would delay the effect and enforceability of all ordinary regulations subject to review that interim until enactment of the ratification legislation except for regulations needed for federal or state funding to go into effect.

[HB 526](#) (Doan and others) would have prohibited requiring members of the Kentucky bar to join or pay dues to any association beyond the fees supporting the costs associated with admission to the bar and discipline of members of the bar.

[HB 535](#) (Flannery and others) would have amended and expanded Kentucky’s electric utility securitization statutes by broadening the types of costs eligible for securitization, including undepreciated balances from extra-state generation facilities, deferred storm costs, and other regulatory assets approved by the Public Service Commission (PSC). It would have

- Removed existing dollar thresholds and deadlines, modifies application submittal requirements.

- Eliminated the requirement that securitization provides quantifiable net present value benefits to customers.
- Required utilities seeking securitization to acquire in-state dispatchable generation and to agree to a two-year base rate freeze,\
- Limited PSC authority over bond marketing, assignee structure, and security issuance.
- Removed the requirement that securitization surcharges appear as a separate line item on customer bills, directs PSC approval of certain asset transfers even when balances are securitized.

[HB 551](#) (Stalker) would have placed on the ballot a proposed amendment to Section 1 of the Constitution of Kentucky to establish a fundamental right to a healthy environment in Kentucky, including the right to clean air, pure water, and ecologically healthy habitats. The amendment would declare the Commonwealth’s natural resources, such as air, water, flora, fauna, climate, and public lands, to be the common property of all people, including future generations, and designate the Commonwealth as trustee with a duty to conserve and maintain those resources for the public benefit.

[HB 552](#) (Stalker and others) would have restored the pre-SB 89 definition of “waters of the Commonwealth” to “mean[] and include[] any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, well, marches, and all other bodies of surface and underground water, natural or artificial” and would remove the definition of “wellhead protection area.”

[HB 567](#) (Flannery) would have narrowed Kentucky’s Open Records Act by redefining who qualifies as a “resident of the Commonwealth” and is therefore eligible to request public records. The bill would require foreign business entities to maintain a physical location in Kentucky rather than merely being registered with the Secretary of State, eliminate authorization for individuals or businesses to request records on behalf of another resident, and allow official custodians to require government-issued identification showing a requester’s address as a condition of access.

[HB 593](#) (Bray and Petrie) would have created new requirements in KRS Chapters 96 and 278 to regulate how municipal utilities and Public Service Commission–regulated utilities provide electric service to data centers, including

- Requiring service to be provided only through contracts that meet minimum statutory standards.

- Requiring utilities to establish tariffs and application processes, charge a nonrefundable application fee,
- Requiring studies to ensure data centers can be served safely and efficiently without negative service or rate impacts on other customers, while prohibiting the allocation of data center–related infrastructure costs to non–data center electric, gas, water, or wastewater customers.
- Addressing conflicts with TVA requirements
- Conditioning certain data center tax incentives on certification of compliance with local land use requirements in a memorandum of agreement with the Kentucky Economic Development Finance Authority.

[HB 662](#) (Lawrence) would have authorized the installation and operation of low voltage battery-charged security fences on property that is not used as or exclusively zoned for residential purposes without the need to obtain any local government permit, approval, or other authorization, except for an alarm permit where required. The bill specifies that local governments may continue to apply safety codes and generally applicable setback, height, and lot coverage requirements for nonelectric perimeter barriers, and otherwise preempts local review or discretionary approval processes for these electrified fencing systems in nonresidential areas.

[HB 667](#) (Bauman) would have expanded statutory protections for proprietary information submitted by solid waste companies and limits public access to certain records held by local governments or waste management districts, by broadening the definition of “confidential business information” relating to solid waste management service companies and extends the prohibition on disclosure of that information to all persons acting on behalf of a county or waste management district. The bill expressly exempts such confidential business information from disclosure under Kentucky’s Open Records Act, KRS 61.870 to 61.844, establishes remedial actions if the information is improperly released, and provides for payment to contractors for work that is uninfluenced by and independent from confidential business information.

[HB 683](#) (Upchurch and others) would have established the Burnside Island Development Authority for the purpose of developing, financing, maintaining, and improving lodging and restaurant facilities at General Burnside Island State Park and the surrounding area.

[HB 687](#) (Whitaker) would have authorized a county judge or executive to contract with a person or organization that provides animal sheltering services to perform specific statutory duties pertaining to stray equine and cattle.

[HCR 66](#) (Freeland and King) would have reestablished the Disaster Prevention and Resiliency Task Force to comprehensively evaluate Kentucky's approach to disaster risk, preparedness, mitigation, response, and long-term recovery. The task force is directed to study current state policies and governance structures; compare Kentucky's approach with other similarly situated states; analyze fiscal impacts and funding opportunities; and assess coordination among federal, state, and local governments. It must review agency effectiveness, hear testimony from experts and impacted citizens, evaluate data gaps related to multi-hazard risks, and examine prior resilience efforts, including those following the 2022 eastern Kentucky floods.

[HJR 77](#) (Smith and Fugate) would have directed the Energy Planning and Inventory Commission (EPIC) to conduct a comprehensive study of coal resource viability and energy affordability in eastern Kentucky and submit findings to the Legislative Research Commission.

On a related note, a new study commissioned by the Kentucky Resources Council suggests that the Commonwealth's continued reliance on aging coal plants is no longer the least-cost option for ratepayers, and that accelerating investments in renewable energy, battery storage, and efficiency could save Kentucky's electricity customers \$2.5 billion through 2050 while maintaining reliable electricity supplies across the state. [Read the report here.](#)

[SB 13](#) (Deenan) would have allowed a planning unit for a jurisdiction adjacent to or including a military installation to include a representative of a military installation as a nonvoting *ex officio* member of a planning body to advise on matters relating to national security and other concerns for the military installation.

[SB 45](#) (Webb) would have prohibited a city, town, county, or other political subdivision of the Commonwealth from restricting or placing an undue burden on agritourism activities, and would expand the statutory definition of "agritourism activity" to include horseback riding, horse-drawn carriage

rides, livestock or poultry shows, petting farms, rodeos, and activities historically involving the use of working animals.

[SB 52](#) (Rawlings and others) would have restructured permitting and licensing by public agencies by limiting agency flexibility, imposing strict decision-making timelines, and expanding procedural rights for applicants. The bill

- Restricted permitting decisions to criteria that are clearly and unambiguously established in statute or regulation.
- Prohibited denials based on unauthorized factors.
- Directs courts to resolve statutory or regulatory ambiguity without deference to agency interpretation, codifying one reading of the principle reflected by the Supreme Court in *Loper Bright Enterprises v. Raimondo*.
- Established a default 30-day deadline for agency action where no other timeframe exists and provides that applications are deemed approved if an agency fails to act within the applicable deadline, unless identified deficiencies remain uncured.
- Considered an incomplete application will be considered withdrawn if an applicant fails to correct it within 60 days after receiving a notice of deficiency and includes language to toll the 60-day permit and license time clock on the date an agency issues a notice of deficiency until the subject cures the deficiencies that are the subject of the notice.
- Defined an “administratively complete application” and ties the start of the review timeline to that standard, ensuring agencies are not penalized before they can meaningfully begin review. Includes tolling provisions so the clock pauses when an agency identifies deficiencies or when additional state or federal review is required. Second, the amendment revises the bill’s rigid timeline extension provision.

[SB 53](#) (Thomas) would have clarified that KRS 100.275 does not prohibit planning units or their commissions or boards from holding public hearings or accepting public comment on subdivision plats and development plans. Under KRS 100.275, ordinances, rules, and regulations governing subdivision plats and development plans are objective standards and applied in a ministerial manner, with discretion permitted only where an applicant seeks a deviation from those standards or where the approving authority determines, based on substantial evidence, that strict ministerial application would pose a specific threat to public health, safety, or welfare in the affected area.

[SB 178](#) (Elkins) would have limited Kentucky agencies' ability to adopt environmental protections that exceed federal baselines and imposed heightened evidentiary and technological feasibility standards before new state-level environmental requirements may be adopted. The bill would have provided that:

- Any administrative regulation related to setting an environmental requirement is not more stringent than any federal law or regulation regarding the same or “a substantially similar topic.”
- In absence of a federal law or regulation regarding the same or “a substantially similar topic” any administrative regulation setting and environmental requirement shall not be proposed or promulgated unless all scientific and technical information relied on to support the admin reg is based on the “best available science” and the “weight of scientific evidence,” and the administrative regulation is “technologically achievable at an applicable scale.”
- Key terms such as “best available science” and “weight of scientific evidence” are defined to require peer-reviewed, reproducible, and independently verified research.
- In the case of human health protections, evidence demonstrating a clear causal relationship between exposure and actual manifested bodily harm.
- Agencies would be required to demonstrate that any proposed requirement can be implemented using technology that is commercially available and feasible at scale.
- Would have affected virtually all major environmental programs, including air quality, water quality, drinking water, groundwater protection, waste management, mining regulation, hazardous materials, radioactive materials handling, solid waste districts, and related public health protections.
- Might have application to regulations undergoing mandatory periodic review under existing law.
- Given its scope and structure, SB 178 would have constrained Kentucky's ability to proactively protect public health and environmental quality and would categorically bind the Commonwealth into federal minimum standards while making state-specific protections substantially more difficult to adopt.

[SB 213](#) (Wheeler and others) would have reformed a number of provisions in current law governing the regulation of Kentucky's electric utilities. The bill

- Declares as state policy that retail electric suppliers regulated by the Public Service Commission (PSC) must procure sufficient generation to meet customer demand through an open, competitive process at the lowest possible cost.
- Provides for more robust triennial integrated resource planning processes (IRP) with defined parameters for load forecasting, resource assessment, and acquisition planning, and encourages involvement of interested parties in the IRP process. Elective cooperatives with all-requirements contracts are exempt from the IRP requirement.\
- Requires that in the planning process, the utility consider third-party and customer-owned supply resources and demand side management resources and programs on a comparable basis with utility-owned resources; requiring fair consideration of distributed generation and investments in energy efficiency and demand management as resources rather than afterthoughts or burdens.
- Allows, on a one-time basis, for an entity with a new load over 50 megawatts to purchase power from another supplier with the approval of the incumbent distribution cooperative if that utility is capacity short.
- Modifies certificate of public convenience and necessity standards and expand PSC authority to address inadequate service, including authorizing alternative service providers in certain circumstances.

[SB 224](#) (Mills) would have created a “vested right” for an applicant for development approval in the rules in effect at the time of application for approval of certain building permits and development plans, and limit the ability of local governments to require compliance with new or revised regulations that would affect those developments. The bill would also restrict judicial review of planning and zoning decisions to persons owning property within the same zoning district and who would sustain actual personal damages.

Curtailing statutory access to judicial review under KRS Chapter 100 is an issue under current law, and the relationship between statutory provisions governing review of agency action, and the inherent right of judicial review of arbitrary government action under Ky. Const. Secs. 2 and 14, is the subject of pending litigation.

[SB 225](#) (Mills) would have imposed an additional cost-benefit analysis requirement on any new or amended regulation of the Department of Housing, Buildings, and Construction affecting residential construction, and

would place a moratorium until 2029 on any new such regulations that would impose any additional cost.

[SB 250](#) (West) would have directed the Public Service Commission (PSC), notwithstanding any other provision of the law, to adopt rules and policies that will **allow** the PSC to prioritize “affordable, reliable, and clean energy” when reviewing rates, planning generation, and approving capital projects. Could have changed the mandate of the PSC – that of assuring safe and dependable electricity in the least reasonable cost manner at rates that are fair, just, and reasonable. The bill broadens the definition of “clean energy” to include coal and natural gas that meet minimum federal air pollution control standards, as well as nuclear energy, substantially expanding the term “clean.” It directs the PSC to calculate affordability using expanded cost factors, including supply chain risks, environmental remediation, and certain recent subsidies. It prioritizes “reliable” generation that is continuously available and dispatchable on demand.

[SB 262](#) (Stivers) would have proposed for voter consideration an amendment to Section 256 of the Kentucky Constitution to allow constitutional amendments to appear on the ballot in the form of a question or summary that clearly describes the substance and effect of the amendment, rather than requiring the full text of the amendment to be printed on the ballot.

[SJR 62](#) (Madon and others) is a joint resolution that would have directed the Energy and Environment Cabinet to report to the General Assembly on permitting requirements and regulatory constraints for debris cleanup in flood-impacted waterways, including applicable federal and state permits, prohibited activities, debris disposal requirements, and special considerations for hazardous material removal. The report would also recommend legislative options to streamline the process for state and local governments, such as a one-stop permitting portal and dedicated staff to expedite post-disaster cleanup efforts.

[SJR 75](#) (Madon and others) would have directed the Kentucky Public Service Commission to open one or more administrative cases to examine how the Commonwealth can better ensure the affordability and continuity of essential utility services, particularly for low- and fixed-income households.

[SJR 134](#) (Wheeler) would have directed the Public Service Commission to open or include in an administrative case to review the fuel adjustment

charge and consider ways to reduce volatility in the surcharge, solicit public and stakeholder comments, amend the related administrative regulation, and submit a report to the Legislative Research Commission.

[SCR 283](#) (Williams) is a concurrent resolution that would have created a Water Resource Regional Infrastructure Planning Task Force to develop recommendations for a process by which water and wastewater utilities can examine options for accomplishing the goals of new infrastructure projects, including but not limited to capital and operating options, water purchase options, and regional partnerships with other utilities, to provide least-cost services that are least “impactful” on water resources. Membership would include organizations representing cities, counties, the Area Development Districts, Kentucky Infrastructure Authority, Division of Water, Public Service Commission, Kentucky Water and Wastewater Operators Association, Kentucky Rural Water Association, and legislative representatives.